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1972 ANNOTATED

Issued December 2020

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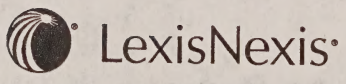

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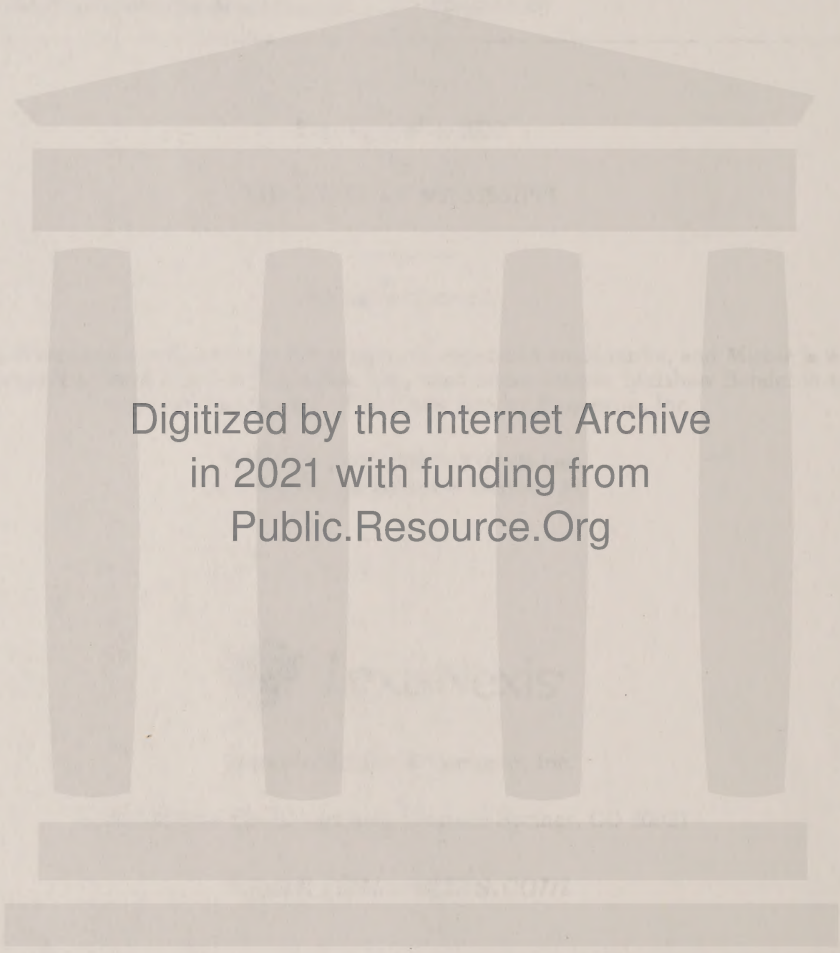
User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.



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PUBLISHER'S FOREWORD

Statutes

The 2020 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2020 Regular Legislative Session.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

Southern Reporter, 3rd Series
United States Supreme Court Reports
Supreme Court Reporter
United States Supreme Court Reports, Lawyers' Edition, 2nd Series
Federal Reporter, 3rd Series
Federal Supplement, 3rd Series
Federal Rules Decisions
Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

American Law Reports, 6th Series
American Law Reports, Federal 2nd
Mississippi College Law Review
Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2020 Regular Session.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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Added in this Supplement

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1972
ANNOTATED

VOLUME FOURTEEN

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§ 65-1-2. Mississippi Department of Transportation.

Editor's Notes — Laws of 2013, ch. 319, § 1 provides:

"SECTION 1. The Executive Director of the Mississippi Department of Transportation, on behalf of the Mississippi Transportation Commission, is authorized to donate certain real property located in Perry County, Mississippi, to the United States Forest Service or another appropriate federal agency. The property is described in Deed Book 135, Pages 513-514, Chancery Clerk's Office of Perry County, Mississippi, and is more particularly described as follows:

"The East half of Northeast quarter (known as Lot No. 1 and No. 8), Section 35, Township 1 North, Range 11 West, Perry County, Mississippi.

"Tax records of Perry County, Mississippi assess the above described lands as being 86 acres, more or less.

"**Less and except:** All that part of the East One-Half of Northeast Quarter (known as Lot No. 1 and Lot No. 8), Section 35, Township 1 North, Range 11 West, Perry County, Mississippi, lying and being situated East of Black Creek, comprising 32 acres, more or less, as described in Deed Book 166, Pages 15-16, Chancery Clerk's Office of Perry County, Mississippi.

"Yielding an aggregate of 54 acres, more or less."

Laws of 2015, ch. 419, § 1 provides:

"SECTION 1. (1) The Executive Director of the Mississippi Department of Transportation, on behalf of the Mississippi Transportation Commission, may transfer and convey by mode of donation to the Mayor and the Board of Aldermen of the City of Natchez, Mississippi, certain excess real property located within Natchez, Adams County, Mississippi. The property is more particularly described as follows:

[For a complete description of the property, see Section 1 of Chapter 419, Laws of 2015.]

"(2) The Secretary of State may transfer and convey by mode of donation to the Mayor and the Board of Aldermen of the City of Natchez, Mississippi, certain excess real property located within Natchez, Adams County, Mississippi. The property is more particularly described as follows:

[For a complete description of the property, see Section 1 of Chapter 419, Laws of 2015.]

"(3) Parcels One and Two as described in subsections (1) and (2) of this section shall be subject to an easement restricting the use of those parcels to public recreational or educational purposes or such similar public uses, and which such uses shall be compatible with the Natchez Trace Parkway.

"(4) Parcel Three as described in subsection (2) of this section shall be offered for sale by the Mayor and the Board of Aldermen of the City of Natchez pursuant to the provisions of Section 21-17-1. Proceeds of the sale, after payment of reasonable and necessary expenses incident hereto, shall be placed in a special fund of the municipality and shall be used as follows:

"(a) Thirty-three and one-third percent (33-1/3%) for the Historic Natchez Riverfront;

"(b) Thirty-three and one-third percent (33-1/3%) for infrastructure and other costs as contributions to capital projects within Adams County, Mississippi, of the United States of America, Department of the Interior, National Park Service; and

"(c) Thirty-three and one-third percent (33-1/3%) for infrastructure and other costs as contributions to capital projects within Adams County, Mississippi, of the Mississippi Department of Archives and History.

"(5) The State of Mississippi shall retain all mineral rights in the property trans-

ferred and conveyed by mode of donation under subsections (1) and (2) of this section.

"(6) At no time after the transfer of the parcels of property described in this section to the City of Natchez shall the property be used as the main operating site or peripheral extension thereof of any casino gaming establishment of any type regardless of the individual or the entity desiring to conduct such operation, whether regulated by the Mississippi Gaming Commission or in compliance with the Indian Gaming Regulatory Act. Any such agreement or attempted agreement entered into by the City of Natchez to sell any property described in this section to any individual or entity for the purpose of establishing a casino gaming establishment shall be void ab initio and shall serve as prima facie evidence and just cause of the property reverting back to the State of Mississippi."

Laws of 2018, 1st Extraordinary Session, ch. 1, § 13, effective from and after August 29, 2018, provides:

"SECTION 13. The Department of Audit shall conduct and/or enter into contracts for a performance audit of any projects under the Mississippi Department of Transportation. In addition to other factors, the audit shall assess the effect of engineering fees on projects and whether the fees are excessive. The performance audit shall be completed by not later than December 31, 2019. The Department of Audit shall be reimbursed for all expenses of the audit by the Mississippi Department of Transportation. If the Department of Audit enters into a contract with a private entity for the audit required under this section, the department shall ensure that such entity is adequately experienced with auditing other state departments of transportation or similar departments or agencies."

§ 65-1-3. Mississippi Transportation Commission.

There shall be a State Highway Commission which shall consist of three (3) members, one (1) from each of the three (3) Supreme Court Districts of the state. Only qualified electors who are citizens of the Supreme Court District in which he or she seeks election for five (5) years immediately preceding the day of the election shall be eligible for such office; however, the five-year citizen requirement shall apply to elections held from and after January 1, 2020.

On Tuesday after the first Monday in November of the year 1951, and every four (4) years thereafter, State Highway Commissioners shall be elected at the same time and in the same manner as the Governor is chosen; and the laws governing primary elections and the holding of general elections in this state shall apply to and govern the nomination and election of State Highway Commissioners. The State Highway Commissioners so elected shall enter upon the discharge of the duties of their respective offices on the first Monday of January in the year next succeeding the date of their election, and they shall serve for a term of four (4) years and until their successors shall have been duly elected and qualified.

If any one or more of the State Highway Commissioners elected under the provisions of this chapter shall die, resign or be removed from office, the Governor shall fill the vacancy by appointment for the unexpired term, provided such unexpired term shall not exceed twelve (12) months. If such unexpired term shall exceed twelve (12) months, the Governor shall, within fifteen (15) days from the date of such vacancy, by proclamation duly made, call an election in the Supreme Court District in which such vacancy exists, to be held within sixty (60) days from the date of the issuance of such proclamation,

at which election a State Highway Commissioner shall be elected to fill such vacancy for the remaining portion of such unexpired term. Such special election shall be held in the manner provided for holding general elections in this state, as far as practicable.

Each of said State Highway Commissioners, before entering upon the discharge of the duties of his office, shall take and subscribe the oath of office required of other state officials and shall execute bond in the sum of Fifty Thousand Dollars ($50,000.00), with some surety company authorized to do business in this state as surety, conditioned for the faithful performance of the duties of his office and for the faithful and true accounting of all funds or monies or property coming into his hands by virtue of his office, and conditioned further that all such funds, monies and property will be expended and used by him only for purposes authorized by law, said bond to be approved by the Governor or Attorney General and to be filed in the Office of the Secretary of State. The premium on such bonds shall be paid out of the funds of the Mississippi Department of Transportation.

From and after July 1, 1992, the State Highway Commission shall be the Mississippi Transportation Commission and the members thereof shall be the Mississippi Transportation Commissioners.

HISTORY: Codes, 1930, § 4989; 1942, § 8014; Laws, 1930, ch. 47; Laws, 1936, ch. 200; Laws, 1948, ch. 332, § 1; Laws, 1992, ch. 496, § 3, eff from and after July 1, 1992; Laws, 2019, ch. 433, § 2, eff from and after July 1, 2019.

Editor's Notes — Laws of 2013, ch. 427, § 1 provides:

"SECTION 1. (1) The Mississippi Transportation Commission may transfer and convey by mode of donation to the City of Canton, Mississippi, all of the rights, title and interest in certain real property located within Madison County, Mississippi, the property being more particularly described as follows:

[For complete description of the property, see § 1, ch. 427, Laws of 2013]

"(2) The State of Mississippi shall retain all mineral rights in the property transferred and conveyed by mode of donation under subsection (1) of this section."

Laws of 2014, ch. 360, § 1 provides:

"SECTION 1. The Department of Finance and Administration, acting on behalf of the Mississippi State Veterans Affairs Board and the Mississippi State Veterans Home in Oxford, Mississippi, shall convey and transfer, without compensation, to the Mississippi Transportation Commission, all of the rights, title and interest in certain real property located in the City of Oxford, Lafayette County, Mississippi, the property being described more particularly as follows:

"WARRANTY

"INDEXING INSTRUCTIONS: SE ¼ of the NW ¼, & SW ¼ of the NE ¼ of Section 4, Township 9 South, Range 3 West, in the City of Oxford, Lafayette County, MS

"The following description is based on the Mississippi State Plane Coordinate System, East Zone, NAD 83 (93) grid values, U.S. Survey Feet, using a combined factor of 0.999984427 and a convergence angle of negative(-) 00 degrees 23 minutes 01 seconds as developed by the Mississippi Department of Transportation for Project No. 102168-202000. It is the intent of this description to convey that portion of the grantors property lying within the new right-of-way as defined by said project:

"Commence at a ½" rebar found at the northwest corner of Section 4, Township 9 South, Range 3 West, Lafayette County, Mississippi, the location of said monument

being defined by state plane coordinates of N 1,760,053.55 and E 774,981.89.

"From said Point of Commencement run South 45 degrees 55 minutes 56 seconds East a distance of 3543.93 feet to a point at the intersection of the grantor's southern property line (also being the existing (2012) northern right-of-way line of Veteran's Drive) and the proposed western right-of-way line of referenced State Project, said point being defined by state plane coordinates of N 1,757,588.72 and E 777,528.26 and hereinafter referred to as the Point of Beginning.

"From said Point of Beginning run along the proposed western right-of-way line of the above referenced State Project the following courses and distances:

"North 44 degrees 52 minutes 40 seconds East a distance of 53.83 feet to a point 95.00 feet northerly of and perpendicular to the centerline survey of Veteran's Drive at station 6+10.00;

"North 83 degrees 26 minutes 54 seconds East a distance of 131.24 feet to a point 135.00 feet northerly of and perpendicular to the centerline survey of Veteran's Drive at station 7+35.00, said point is hereby designated as point 'H-1' for future reference;

"North 14 degrees 21 minutes 42 seconds East a distance of 162.74 feet to a point 260.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1378+65.00;

"North 26 degrees 42 minutes 25 seconds East a distance of 246.46 feet to a point 202.73 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 138 1+00.00, said point is hereby designated as point 'H-2' for future reference;

"North 26 degrees 42 minutes 25 seconds East a distance of 104.17 feet to a point 180.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1382+00.00;

"Northerly with a curve turning to the right with a radius of 11,696.29 feet, an arc length of 293.31 feet, a chord bearing of North 15 degrees 04 minutes 17 seconds East, and a chord length of 293.30 feet, to a point 180.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1384+88.80;

"North 15 degrees 47 minutes 23 seconds East a distance of 293.65 feet to a point 180.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1387+82.44, said point also being on the grantor's northern property line;

"Thence leaving the proposed western right-of-way line of the above referenced State Project and along the grantor's northern property line, run South 88 degrees 52 minutes 51 seconds East a distance of 82.70 feet to a point on the existing (2012) western right-of-way line of State Route 7;

"Thence leaving the grantor's northern property line and along the existing western right-of-way line of State Route 7 the following courses and distances:

"South 15 degrees 47 minutes 23 seconds West a distance of 314.59 feet;

"Southerly with a curve turning to the left with a radius of 11616.29 feet, an arc length of 871.48 feet, a chord bearing of South 13 degrees 38 minutes 26 seconds West, and a chord length of 871.27 feet, to a point on the grantor's southern property line (also the existing northern right-of-way line of Veteran's Drive);

"Thence leaving the existing western right-of-way line of State Route 7 and along the grantor's southern property line, run North 78 degrees 57 minutes 54 seconds West a distance of 320.01 feet back to the Point of Beginning.

"The above described parcel of land contains 3.14 acres, (136,942 square feet), more or less, and is situated in the Southeast Quarter of the Northwest Quarter, and the Southwest Quarter of the Northeast Quarter of Section 4, Township 9 South, Range 3 West, in the City of Oxford, Lafayette County, Mississippi.

"Together with any and all abutter's rights of access, if any, in, to, over, on, and across the above described proposed right-of-way line between Point 'H-1' and Point 'H-2' as described above and as shown on the Right-of-Way Acquisition maps for the above referenced highway project."

Laws of 2019, ch. 480, § 2, provides:

"SECTION 2. (1) The Mississippi Transportation Commission, acting on behalf of the

Mississippi Department of Transportation is authorized to transfer and convey to the Board of Trustees of Copiah-Lincoln Community College, a certain parcel of land situated in Wesson, Copiah County, Mississippi, which is adjacent to the college campus and used as a right-of-way by the department, for the purpose of placing signage at the entrance of the college. The property being more particularly described as follows:

[For a complete description of the property, see Section 2 of Chapter 480, Laws of 2019.]

"(2)(a) Of the property described in subsection (1) of this section, it is hereby understood and agreed by the Board of Trustees of Copiah-Lincoln Community College, as the grantee herein named, that all existing utilities located on, under or above the property herein described, shall remain, at the discretion of the utility owners, and that the grantee, its assigns, or successor boards in the title will not require the relocation of these utilities except by agreement with the utility owner.

"(b) This conveyance is subject to the provisions that no junkyards, as defined in 23 USCS Section 136, shall be hereafter established or maintained on or above described lands, and no signs, billboards, outdoors advertising structures or advertisement of any kind, as provided for in 23 USCS Section 131, shall be hereafter erected, displayed, placed or maintained upon or within the above described land, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or principal activities conducted on the land upon which the signs are located.

"(3) The State of Mississippi shall retain all mineral rights to the real property transferred under this section.

"(4) The Mississippi Department of Transportation is authorized to correct any discrepancies in the legal description of the property provided in this section."

Amendment Notes — The 2019 amendment rewrote the second sentence of the first paragraph, which read: "Only qualified electors who are citizens of the Supreme Court district in which he or she offers for election shall be eligible for such office."

§ 65-1-8. Authority and powers of the commission.

(1) The Mississippi Transportation Commission shall have the following general powers, duties and responsibilities:

(a) To coordinate and develop a comprehensive, balanced transportation policy for the State of Mississippi;

(b) To promote the coordinated and efficient use of all available and future modes of transportation;

(c) To make recommendations to the Legislature regarding alterations or modifications in any existing transportation policies;

(d) To study means of encouraging travel and transportation of goods by the combination of motor vehicle and other modes of transportation;

(e) To take such actions as are necessary and proper to discharge its duties pursuant to the provisions of Chapter 496, Laws of 1992, and any other provision of law;

(f) To receive and provide for the expenditure of any funds made available to it by the Legislature, the federal government or any other source.

(2) In addition to the general powers, duties and responsibilities listed in subsection (1) of this section, the Mississippi Transportation Commission shall have the following specific powers:

(a) To make rules and regulations whereby the Transportation Department shall change or relocate any and all highways herein or hereafter fixed

as constituting a part of the state highway system, as may be deemed necessary or economical in the construction or maintenance thereof; to acquire by gift, purchase, condemnation or otherwise, land or other property whatsoever that may be necessary for a state highway system as herein provided, with full consideration to be given to the stimulation of local public and private investment when acquiring such property in the vicinity of Mississippi towns, cities and population centers;

(b) To enforce by mandamus, or other proper legal remedies, all legal rights or rights of action of the Mississippi Transportation Commission with other public bodies, corporations or persons;

(c) To make and publish rules, regulations and ordinances for the control of and the policing of the traffic on the state highways, and to prevent their abuse by any or all persons, natural or artificial, by trucks, tractors, trailers or any other heavy or destructive vehicles or machines, or by any other means whatsoever, by establishing weights of loads or of vehicles, types of tires, width of tire surfaces, length and width of vehicles, with reasonable variations to meet approximate weather conditions, and all other proper police and protective regulations, and to provide ample means for the enforcement of same. The violation of any of the rules, regulations or ordinances so prescribed by the commission shall constitute a misdemeanor. No rule, regulation or ordinance shall be made that conflicts with any statute now in force or which may hereafter be enacted, or with any ordinance of municipalities. A monthly publication giving general information to the boards of supervisors, employees and the public may be issued under such rules and regulations as the commission may determine;

(d) To give suitable numbers to highways and to change the number of any highway that shall become a part of the state highway system. However, nothing herein shall authorize the number of any highway to be changed so as to conflict with any designation thereof as a U.S. numbered highway. Where, by a specific act of the Legislature, the commission has been directed to give a certain number to a highway, the commission shall not have the authority to change such number;

(e)(i) To make proper and reasonable rules, regulations, and ordinances for the placing, erection, removal or relocation of telephone, telegraph or other poles, signboards, fences, gas, water, sewerage, oil or other pipelines, and other obstructions that may, in the opinion of the commission, contribute to the hazards upon any of the state highways, or in any way interfere with the ordinary travel upon such highways, or the construction, reconstruction or maintenance thereof, and to make reasonable rules and regulations for the proper control thereof. Any violation of such rules or regulations or noncompliance with such ordinances shall constitute a misdemeanor;

(ii) Except as otherwise provided for in this paragraph, whenever the order of the commission shall require the removal of, or other changes in the location of telephone, telegraph or other poles, signboards, gas, water, sewerage, oil or other pipelines; or other similar obstructions on the

right-of-way or such other places where removal is required by law, the owners thereof shall at their own expense move or change the same to conform to the order of the commission. Any violation of such rules or regulations or noncompliance with such orders shall constitute a misdemeanor;

(iii) Rural water districts, rural water systems, nonprofit water associations and municipal public water systems in municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of water and sewer lines and facilities constructed or in place in the rights-of-way of state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2002, shall be paid by the Department of Transportation;

(iv) Municipal public sewer systems and municipal gas systems owned by municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of lines and facilities constructed or in place in the rights-of-way of state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2003, shall be paid by the Department of Transportation;

(f) To regulate and abandon grade crossings on any road fixed as a part of the state highway system, and whenever the commission, in order to avoid a grade crossing with the railroad, locates or constructs said road on one side of the railroad, the commission shall have the power to abandon and close such grade crossing, and whenever an underpass or overhead bridge is substituted for a grade crossing, the commission shall have power to abandon such grade crossing and any other crossing adjacent thereto. Included in the powers herein granted shall be the power to require the railroad at grade crossings, where any road of the state highway system crosses the same, to place signal posts with lights or other warning devices at such crossings at the expense of the railroad, and to regulate and abandon underpass or overhead bridges and, where abandoned because of the construction of a new underpass or overhead bridge, to close such old underpass or overhead bridge, or, in its discretion, to return the same to the jurisdiction of the county board of supervisors;

(g) To make proper and reasonable rules and regulations to control the cutting or opening of the road surfaces for subsurface installations;

(h) To make proper and reasonable rules and regulations for the removal from the public rights-of-way of any form of obstruction, to cooperate in improving their appearance, and to prescribe minimum clearance heights for seed conveyors, pipes, passageways or other structure of private or other ownership above the highways;

(i) To establish, and have the Transportation Department maintain and operate, and to cooperate with the state educational institutions in establishing, enlarging, maintaining and operating a laboratory or laboratories for testing materials and for other proper highway purposes;

(j) To provide, under the direction and with the approval of the Department of Finance and Administration, suitable offices, shops and barns in the City of Jackson;

(k) To establish and have enforced set-back regulations;

(*l*) To cooperate with proper state authorities in producing limerock for highway purposes and to purchase same at cost;

(m) To provide for the purchase of necessary equipment and vehicles and to provide for the repair and housing of same, to acquire by gift, purchase, condemnation or otherwise, land or lands and buildings in fee simple, and to authorize the Transportation Department to construct, lease or otherwise provide necessary and proper permanent district offices for the construction and maintenance divisions of the department, and for the repair and housing of the equipment and vehicles of the department; however, in each Supreme Court district only two (2) permanent district offices shall be set up, but a permanent status shall not be given to any such offices until so provided by act of the Legislature and in the meantime, all shops of the department shall be retained at their present location. As many local or subdistrict offices, shops or barns may be provided as is essential and proper to economical maintenance of the state highway system;

(n) To cooperate with the Department of Archives and History in having placed and maintained suitable historical markers, including those which have been approved and purchased by the State Historical Commission, along state highways, and to have constructed and maintained roadside driveways for convenience and safety in viewing them when necessary;

(o) To cooperate, in its discretion, with the Mississippi Department of Wildlife, Fisheries and Parks in planning and constructing roadside parks upon the right-of-way of state highways, whether constructed, under construction, or planned; said parks to utilize where practical barrow pits used in construction of state highways for use as fishing ponds. Said parks shall be named for abundant flora and fauna existing in the area or for the first flora or fauna found on the site;

(p) Unless otherwise prohibited by law, to make such contracts and execute such instruments containing such reasonable and necessary appropriate terms, provisions and conditions as in its absolute discretion it may deem necessary, proper or advisable, for the purpose of obtaining or securing financial assistance, grants or loans from the United States of America or any department or agency thereof, including contracts with several counties of the state pertaining to the expenditure of such funds;

(q) To cooperate with the Federal Highway Administration in the matter of location, construction and maintenance of the Great River Road, to expend such funds paid to the commission by the Federal Highway Administration or other federal agency, and to authorize the Transportation Department to erect suitable signs marking this highway, the cost of such signs to be paid from state highway funds other than earmarked construction funds;

(r) To cooperate, in its discretion, with the Mississippi Forestry Commission and the School of Forestry, Mississippi State University, in a

forestry management program, including planting, thinning, cutting and selling, upon the right-of-way of any highway, constructed, acquired or maintained by the Transportation Department, and to sell and dispose of any and all growing timber standing, lying or being on any right-of-way acquired by the commission for highway purposes in the future; such sale or sales to be made in accordance with the sale of personal property which has become unnecessary for public use as provided for in Section 65-1-123, Mississippi Code of 1972;

(s) To expend funds in cooperation with the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, the United States government or any department or agency thereof, or with any department or agency of this state, to control, suppress or eradicate serious insect pests, rodents, plant parasites and plant diseases on the state highway rights-of-way;

(t) To provide for the placement, erection and maintenance of motorist services business signs and supports within state highway rights-of-way in accordance with current state and federal laws and regulations governing the placement of traffic control devices on state highways, and to establish and collect reasonable fees from the businesses having information on such signs;

(u) To request and to accept the use of persons convicted of an offense, whether a felony or a misdemeanor, for work on any road construction, repair or other project of the Transportation Department. The commission is also authorized to request and to accept the use of persons who have not been convicted of an offense but who are required to fulfill certain court-imposed conditions pursuant to Section 41-29-150(d)(1) or 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention Act, being Sections 99-15-101 through 99-15-127, Mississippi Code of 1972. The commission is authorized to enter into any agreements with the Department of Corrections, the State Parole Board, any criminal court of this state, and any other proper official regarding the working, guarding, safekeeping, clothing and subsistence of such persons performing work for the Transportation Department. Such persons shall not be deemed agents, employees or involuntary servants of the Transportation Department while performing such work or while going to and from work or other specified areas;

(v) To provide for the administration of the railroad revitalization program pursuant to Section 57-43-1 et seq.;

(w) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of service pins for employees of the Mississippi Transportation Department;

(x) To cooperate with the State Tax Commission by providing for weight enforcement field personnel to collect and assess taxes, fees and penalties and to perform all duties as required pursuant to Section 27-55-501 et seq., Sections 27-19-1 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq., Mississippi Code of 1972, with regard to vehicles subject to the jurisdiction of the Office of Weight Enforcement. All collections and assessments shall be transferred daily to the State Tax Commission;

(y) The Mississippi Transportation Commission may delegate the authority to enter into a supplemental agreement to a contract previously approved by the commission if the supplemental agreement involves an additional expenditure not to exceed One Hundred Thousand Dollars ($100,000.00);

(z)(i) The Mississippi Transportation Commission, in its discretion, may enter into agreements with any county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, for the purpose of accelerating the completion date of scheduled highway construction projects.

(ii) Such an agreement may permit the cost of a highway construction project to be advanced to the commission by a county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, and repaid to such entity by the commission when highway construction funds become available; provided, however, that repayment of funds advanced to the Mississippi Transportation Commission shall be made no sooner than the commission's identified projected revenue schedule for funding of that particular construction project, and no other scheduled highway construction project established by statute or by the commission may be delayed by an advanced funding project authorized under this paragraph (z). Repayments to a private entity that advances funds to the Mississippi Transportation Commission under this paragraph (z) may not include interest or other fees or charges, and the total amount repaid shall not exceed the total amount of funds advanced to the commission by the entity.

(iii) In considering whether to enter into such an agreement, the commission shall consider the availability of financial resources, the effect of such agreement on other ongoing highway construction, the urgency of the public's need for swift completion of the project and any other relevant factors.

(iv) Such an agreement shall be executed only upon a finding by the commission, spread upon its minutes, that the acceleration of the scheduled project is both feasible and beneficial. The commission shall also spread upon its minutes its findings with regard to the factors required to be considered pursuant to subparagraph (iii) of this paragraph (z);

(aa) The Mississippi Transportation Commission, in its discretion, may purchase employment practices liability insurance, and may purchase an excess policy to cover catastrophic losses incurred under the commission's self-insured workers' compensation program authorized under Section 71-3-5. Such policies shall be written by the agent or agents of a company or companies authorized to do business in the State of Mississippi. The deductibles shall be in an amount deemed reasonable and prudent by the commission, and the premiums thereon shall be paid from the State Highway Fund. Purchase of insurance under this paragraph shall not serve as an actual or implied waiver of sovereign immunity or of any protection afforded the commission under the Mississippi Tort Claims Act;

(bb) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of promotional materials for safety purposes, highway beautification purposes and recruitment purposes;

(cc) To lease antenna space on communication towers which it owns;

(dd) To receive funds from the Southeastern Association of Transportation Officials and from other nonstate sources and expend those funds for educational scholarships in transportation related fields of study. The commission may adopt rules or regulations as necessary for the implementation of the program. A strict accounting shall be made of all funds deposited with the commission and all funds dispersed.

HISTORY: Laws, 1981, ch. 464, § 2; Laws, 1983, ch. 395, § 1; Laws, 1984, ch. 305, § 2; Laws, 1984, ch. 495, § 32; Laws, 1985, ch. 474, § 55; Laws, 1986, ch. 438, § 46; Laws, 1987, ch. 483, § 47; Laws, 1988, ch. 442, § 44; Laws, 1989, ch. 537, § 42; Laws, 1990, ch. 377, § 1; Laws, 1990, ch. 518, § 43; Laws, 1991, ch. 530, § 9; Laws, 1991, ch. 618, § 43; Laws, 1992, ch. 491 § 45; Laws, 1992, ch. 496, § 5; Laws, 1994, ch. 491, § 1; Laws, 1999, ch. 461, § 45; Laws, 2000, ch. 474, § 1; Laws, 2002, ch. 325 , § 1; Laws, 2002, ch. 556, § 6; Laws, 2003, ch. 354, § 1; Laws, 2003, ch. 457, § 1; Laws, 2003, ch. 463, § 1; Laws, 2003, ch. 564, § 2; Laws, 2004, ch. 562, § 3; Laws, 2005, ch. 306, § 1; Laws, 2013, ch. 468, § 1, eff from and after passage (approved Mar. 26, 2013).

Editor's Notes — Laws of 2019, ch. 322, § 1, effective from and after March 15, 2019, provides:

"SECTION 1. (1) The Mississippi Transportation Commission, acting through the Mississippi Department of Transportation, is authorized to sell certain state-owned real property and any improvements thereon, which is located in Neshoba County, Mississippi, such property being more specifically described as follows:

[For a complete description of the property, see Section 1 of Chapter 322, Laws of 2019.]

"(2) The real property and any improvements thereon described in subsection (1) of this section shall be sold by negotiated private sale to a Mississippi resident or Mississippi-based entity for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

"(3) All monies derived from the sale of the property described in subsection (1) of this section shall be deposited into a special fund created in the State Treasury for the use and benefit of the Mississippi Department of Transportation. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on the amounts in the special fund shall be deposited to the credit of the special fund.

"(4) The Department of Finance and Administration may correct any discrepancies in the legal description provided in this section.

"(5) The State of Mississippi shall retain all mineral rights to the property sold under this section."

Laws of 2019, ch. 393, § 2, effective from and after March 22, 2019, provides:

"SECTION 2. (1) The Mississippi Transportation Commission is authorized to lease for any amount certain real property to the Mississippi Department of Human Services. Additionally, the Mississippi Department of Human Services is authorized to sublease for any amount such real property to an entity to be selected by the department. The real property is located in Oxford, Mississippi, and is more particularly described as

follows:

[For a complete description of the property, see Section 2 of Chapter 393, Laws of 2019.]

"(2) Upon notification by the Mississippi Transportation Commission that it has sufficient funding to advertise and let a contract for the expansion of State Route 7 in Lafayette County, south of Oxford, then the lease between the commission and the Mississippi Department of Human Services and the sublease between the Mississippi Department of Human Services and the subleasee for the property described in subsection (1) of this section shall be terminated and the premises leased shall be vacated.

"(3) The Mississippi Transportation Commission and the Mississippi Department of Human Services must agree in writing to the terms and conditions of the lease of the property described in subsection (1) of this section.

"(4) The Mississippi Transportation Commission is vested with the authority to correct any discrepancies in the legal description of the property described in subsection (1) of this section."

Amendment Notes — The 2013 amendment substituted "subparagraph" for "item" preceding "(iii) of this paragraph (z)" at the end of (2)(z)(iv); added (2)(dd); and made a related change.

§ 65-1-8.1. Commission may allow for erection of welcome and recognition signs adjacent to state highways within unincorporated areas of a county.

(1) The Mississippi Transportation Commission may allow for the erection of welcome, recognition and acknowledgement signs that are adjacent to state highways within an unincorporated area of a county and maintained by public officers or elected officials of counties while carrying out an official duty or responsibility. The local jurisdiction shall be required to purchase and pay the cost of maintaining such signs which shall conform to the requirements of similar signs that are placed by incorporated areas in accordance with rules adopted by the commission and the Mississippi Department of Transportation. The erection of welcome, recognition and acknowledgment signs in areas on or adjacent to freeways or interstate highways is prohibited.

(2) The Mississippi Transportation Commission shall promulgate rules and regulations to carry out the provisions of this section.

HISTORY: Laws, 2017, ch. 401, § 1, eff from and after July 1, 2017.

§ 65-1-8.2. Commission may allow erection of certain signs for member institutions of the Mississippi Association of Independent Colleges and Universities; institution must purchase and pay the costs of erecting and maintaining signs.

(1) The Mississippi Transportation Commission may allow for the erection of signs for member institutions of the Mississippi Association of Independent Colleges and Universities that display the name and emblem of such institutions that are similar to signs erected for public state institutions of higher learning. The institutions for which the signs are erected shall be

required to purchase and pay the cost of erecting and maintaining such signs which shall conform to the requirements of similar signs that are erected for public state institutions of higher learning.

(2) The Mississippi Transportation Commission shall promulgate rules and regulations to carry out the provisions of this section.

HISTORY: Laws, 2017, ch. 401, § 2, eff from and after July 1, 2017.

§ 65-1-51. Land adjacent to highway rights of way; wetlands.

JUDICIAL DECISIONS

1. In general.

In an inverse condemnation proceeding, if the Mississippi Transportation Commission were required to acquire a landowner's land used for a park in fee, a failure to so instruct a jury was not reversible error because such an instruction would not have affected the final result of the case, so the landowner was not prejudiced. Bay Point Props. v. Miss. Transp. Comm'n, 201 So. 3d 1046, 2016 Miss. LEXIS 282 (Miss. 2016), cert. denied, — U.S. —, 137 S. Ct. 2002, 198 L. Ed. 2d 750, 2017 U.S. LEXIS 4057 (U.S. 2017).

§ 65-1-65. Maintenance.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Immunity.

1. In general.

Mississippi Transportation Commission and the Mississippi Department of Transportation breached the ministerial duties imposed by the statute because the statute applied to the portion of the highway that was under construction and imposed a ministerial duty of maintenance and repair. Miss. Transp. Comm'n v. Adams, 197 So. 3d 406, 2016 Miss. LEXIS 232 (Miss. 2016).

2. Immunity.

Driver's negligence claim regarding the Mississippi Department of Transportation's (MDOT's) failure to repair and maintain a highway were not barred as a matter of law by Miss. Code Ann. § 11-46-9(1)(d) (Rev. 2012) where Miss. Code Ann. § 65-1-65 required MDOT to maintain and repair state highways, and thus, its acts were ministerial. Ala. Great S. R.R. Co. v. Jobes, 156 So. 3d 871, 2015 Miss. LEXIS 37 (Miss. 2015).

Trial court erred in granting summary judgment to the Department of Transportation and the Transportation Commission (the defendants) on the injured parties' negligence claim because issues of fact existed as to whether the repair of a bridge was performed in a negligent manner and they were not immune from liability. Logan v. Miss. DOT, 174 So. 3d 264, 2014 Miss. App. LEXIS 486 (Miss. Ct. App. 2014), cert. denied, 160 So. 3d 704, 2015 Miss. LEXIS 180 (Miss. 2015), aff'd in part and rev'd in part, 174 So. 3d 249, 2015 Miss. LEXIS 460 (Miss. 2015).

Where three drivers appealed the Miss. R. Civ. P. 12(b)(6) dismissal of their claim against the Mississippi Department of Transportation (MDOT) because of discretionary-function immunity under the Mississippi Tort Claims Act (MTCA), Miss. Code Ann. § 65-1-65 required the MDOT to maintain and repair state highways, and the MDOT was not entitled to discretionary-function immunity for failure to properly maintain and repair highways because that function was ministerial. It was the function, not the act, to which the MTCA granted or denied immunity. Little v. Miss. DOT, 129 So. 3d 132, 2013 Miss. LEXIS 551 (Miss. 2013).

Mississippi Department of Transportation (MDOT) was immune from suit under Miss. Code Ann. § 11-46-9(1)(d) as Miss. Code Ann. § 65-1-65 did not impose any specific directives as to the time, manner, and conditions for carrying out MDOT's duty to maintain highways, and the duty to remove trees from the right-of-way was discretionary; MDOT was not liable for the driver's injuries arising out of road maintenance. Little v. Miss. DOT, 129 So. 3d 192, 2012 Miss. App. LEXIS 627 (Miss. Ct. App. 2012), rev'd, 129 So. 3d 132, 2013 Miss. LEXIS 551 (Miss. 2013).

§ 65-1-67. Edges of certain highways to be trimmed in color and manner conforming to uniform national standards.

JUDICIAL DECISIONS

2. Discretionary function immunity.

Mississippi Transportation Commission (MTC) and the Mississippi Department of Transportation (MDOT) were not entitled to discretionary-function immunity from a widow's claims they violated the statue because MTC decided to abide by the prescriptions in the regulations; since one of the regulations provided that all edge lines that had been covered or removed had to be replaced with temporary stripe before work is discontinued for the day, MTC and MDOT could not assert discretion. Miss. Transp. Comm'n v. Adams, 197 So. 3d 406, 2016 Miss. LEXIS 232 (Miss. 2016).

§ 65-1-70. Construction of protective devices at railroad crossings.

OPINIONS OF THE ATTORNEY GENERAL

Counties are responsible for the installation and maintenance of necessary warning signs and pavement markings at rail crossings on roads under their jurisdiction subject to approval by the State Highway Commission. Fortier, Mar. 29, 2002, A.G. Op. #02-0109.

§ 65-1-85. Method of awarding contracts.

(1) All contracts by or on behalf of the commission for the purchase of materials, equipment and supplies shall be made in compliance with Section 31-7-1 et seq. All contracts by or on behalf of the commission for construction, reconstruction or other public work authorized to be done under the provisions of this chapter, except maintenance, shall be made by the executive director, subject to the approval of the commission, only upon competitive bids after due advertisement as follows, to wit:

(a) Advertisement for bids shall be in accordance with such rules and regulations, in addition to those herein provided, as may be adopted therefor by the commission, and the commission is authorized and empowered to make and promulgate such rules and regulations as it may deem proper, to provide and adopt standard specifications for road and bridge construction, and to amend such rules and regulations from time to time.

(b) The advertisement shall be inserted twice, being once a week for two (2) successive weeks in a newspaper published at the seat of government in Jackson, Mississippi, having a general circulation throughout the state, and

no letting shall be less than fourteen (14) days nor more than sixty (60) days after the publication of the first notice of such letting, and notices of such letting may be placed in a metropolitan paper or national trade publication.

(c) Before advertising for such work, the executive director shall cause to be prepared and filed in the department detailed plans and specifications covering the work proposed to be done and copies of the plans and specifications shall be subject to inspection by any citizen during all office hours and made available to all prospective bidders upon such reasonable terms and conditions as may be required by the commission. A fee shall be charged equal to the cost of producing a copy of any such plans and specifications.

(d) All such contracts shall be let to a responsible bidder with the lowest and best bid, and a record of all bids received for construction and reconstruction shall be preserved.

(e) Each bid for such a construction and reconstruction contract must be accompanied by a cashier's check, a certified check or bidders bond executed by a surety company authorized to do business in the State of Mississippi, in the principal amount of not less than five percent (5%) of the bid, guaranteeing that the bidder will give bond and enter into a contract for the faithful performance of the contract according to plans and specifications on file.

(f) Bonds shall be required of the successful bidder in an amount equal to the contract price. The contract price shall mean the entire cost of the particular contract let. In the event change orders are made after the execution of a contract which results in increasing the total contract price, additional bond in the amount of the increased cost may be required. The surety or sureties on such bonds shall be a surety company or surety companies authorized to do business in the State of Mississippi, all bonds to be payable to the State of Mississippi and to be conditioned for the prompt, faithful and efficient performance of the contract according to plans and specifications, and for the prompt payment of all persons furnishing labor, material, equipment and supplies therefor. Such bonds shall be subject to the additional obligation that the principal and surety or sureties executing the same shall be liable to the state in a civil action instituted by the state at the instance of the commission or any officer of the state authorized in such cases, for double any amount in money or property the state may lose or be overcharged or otherwise defrauded of by reason of any wrongful or criminal act, if any, of the contractor, his agent or employees.

(2) With respect to equipment used in the construction, reconstruction or other public work authorized to be done under the provisions of this chapter: the word "equipment," in addition to all equipment incorporated into or fully consumed in connection with such project, shall include the reasonable value of the use of all equipment of every kind and character and all accessories and attachments thereto which are reasonably necessary to be used and which are used in carrying out the performance of the contract, and the reasonable value of the use thereof, during the period of time the same are used in carrying out the performance of the contract, shall be the amount as agreed upon by the

persons furnishing the equipment and those using the same to be paid therefor, which amount, however, shall not be in excess of the maximum current rates and charges allowable for leasing or renting as specified in Section 65-7-95; the word "labor" shall include all work performed in repairing equipment used in carrying out the performance of the contract, which repair labor is reasonably necessary to the efficient operation of said equipment; and the words "materials" and "supplies" shall include all repair parts installed in or on equipment used in carrying out the performance of the contract, which repair parts are reasonably necessary to the efficient operation of said equipment.

(3) The executive director, subject to the approval of the commission, shall have the right to reject any and all bids, whether such right is reserved in the notice or not.

(4) The commission may require the prequalification of any and all bidders and the failure to comply with prequalification requirements may be the basis for the rejection of any bid by the commission. The commission may require the prequalification of any and all subcontractors before they are approved to participate in any contract awarded under this section.

(5) The commission may adopt rules and regulations for the termination of any previously awarded contract which is not timely proceeding toward completion. The failure of a contractor to comply with such rules and regulations shall be a lawful basis for the commission to terminate the contract with such contractor. In the event of a termination under such rules and regulations, the contractor shall not be entitled to any payment, benefit or damages beyond the cost of the work actually completed.

(6) Any contract for construction or paving of any highway may be entered into for any cost which does not exceed the amount of funds that may be made available therefor through bond issues or from other sources of revenue, and the letting of contracts for such construction or paving shall not necessarily be delayed until the funds are actually on hand, provided authorization for the issuance of necessary bonds has been granted by law to supplement other anticipated revenue, or when the department certifies to the Department of Finance and Administration and the Legislative Budget Office that projected receipts of funds by the department will be sufficient to pay such contracts as they become due and the Department of Finance and Administration determines that the projections are reasonable and receipts will be sufficient to pay the contracts as they become due. The Department of Finance and Administration shall spread such determination on its minutes prior to the letting of any contracts based on projected receipts. Nothing in this subsection shall prohibit the issuance of bonds, which have been authorized, at any time in the discretion of the State Bond Commission, nor to prevent investment of surplus funds in United States government bonds or State of Mississippi bonds as presently authorized by Section 12, Chapter 312, Laws of 1956.

(7) All other contracts for work to be done under the provisions of this chapter and for the purchase of materials, equipment and supplies to be used as provided for in this chapter shall be made in compliance with Section 31-7-1 et seq.

(8) The commission shall not empower or authorize the executive director, or any one or more of its members, or any engineer or other person to let or make contracts for the construction or repair of public roads, or building bridges, or for the purchase of material, equipment or supplies contrary to the provisions of this chapter as set forth in this section, except in cases of flood or other cases of emergency where the public interest requires that the work be done or the materials, equipment or supplies be purchased without the delay incident to advertising for competitive bids. Such emergency contracts may be made without advertisement under such rules and regulations as the commission may prescribe.

(9) The executive director, subject to the approval of the commission, is authorized to negotiate and make agreements with communities and/or civic organizations for landscaping, beautification and maintenance of highway rights-of-way; however, nothing in this subsection shall be construed as authorization for the executive director or commission to participate in such a project to an extent greater than the average cost for maintenance of shoulders, backslopes and median areas with respect thereto.

(10) The executive director may negotiate and enter into contracts with private parties for the mowing of grass and trimming of vegetation on the rights-of-way of state highways whenever such practice is possible and cost effective.

(11)(a) As an alternative to the method of awarding contracts as otherwise provided in this section, the commission may use the design-build method of contracting for the following:

(i) Projects for the Mississippi Development Authority pursuant to agreements between both governmental entities;

(ii) Any project with an estimated cost of not more than Ten Million Dollars ($10,000,000.00), not to exceed two (2) projects per fiscal year; and

(iii) Any project which has an estimated cost of more than Ten Million Dollars ($10,000,000.00), not to exceed one (1) project per fiscal year.

(b) As used in this subsection, the term "design-build" method of contracting means a contract that combines the design and construction phases of a project into a single contract and the contractor is required to satisfactorily perform, at a minimum, both the design and construction of the project.

(c) The commission shall establish detailed criteria for the selection of the successful design-build contractor in each request for design-build proposals. The evaluation of the selection committee is a public record and shall be maintained for a minimum of ten (10) years after project completion.

(d) The commission shall maintain detailed records on projects separate and apart from its regular record keeping. The commission shall file a report to the Legislature evaluating the design-build method of contracting by comparing it to the low-bid method of contracting. At a minimum, the report must include:

(i) The management goals and objectives for the design-build system of management;

(ii) A complete description of the components of the design-build management system, including a description of the system the department put into place on all projects managed under the system to insure that it has the complete information on highway segment costs and to insure proper analysis of any proposal the commission receives from a highway contractor;

(iii) The accountability systems the Transportation Department established to monitor any design-build project's compliance with specific goals and objectives for the project;

(iv) The outcome of any project or any interim report on an ongoing project let under a design-build management system showing compliance with the goals, objectives, policies and procedures the department set for the project; and

(v) The method used by the department to select projects to be let under the design-build system of management and all other systems, policies and procedures that the department considered as necessary components to a design-build management system.

(e) All contracts let under the provisions of this subsection shall be subject to oversight and review by the State Auditor. The State Auditor shall file a report with the Legislature on or before January 1 of each year detailing his findings with regard to any contract let or project performed in violation of the provisions of this subsection. The actual and necessary expenses incurred by the State Auditor in complying with this paragraph (e) shall be paid for and reimbursed by the Mississippi Department of Transportation out of funds made available for the contract or contracts let and project or projects performed.

(12) The provisions of this section shall not be construed to prohibit the commission from awarding or entering into contracts for the design, construction and financing of toll roads, highways and bridge projects as provided under Sections 65-43-1 and 65-43-3.

HISTORY: Codes, 1930, § 5009; 1942, § 8041; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 17; Laws, 1958, ch. 370; Laws, 1968, ch. 507, § 1; Laws, 1970, ch. 439, § 1; Laws, 1973, ch. 418, § 1; Laws, 1981, ch. 542, § 2; Laws, 1984, ch. 317; Laws, 1984, ch. 488, § 265; Laws, 1986, ch. 498; Laws, 1991, ch. 544, § 1; Laws, 1998, ch. 357, § 1; Laws, 2003, ch. 564, § 1; Laws, 2004, ch. 542, § 1; Laws, 2007, ch. 582, § 23; Laws, 2013, ch. 431, § 1, eff from and after passage (approved Mar. 21, 2013).

Amendment Notes — The 2013 amendment substituted "Ten Million Dollars ($10,000,000.00)" for "Fifty Million Dollars ($50,000,000.00)" in (11)(a)(iii).

JUDICIAL DECISIONS

1. In general.

When a contractor sued insurers and their agent for negligently issuing a bid bond without authority, due to expiration of the agent's certificate for failure to pay a renewal fee, summary judgment erred because the agent was unauthorized to issue the bond, which had to be valid on the date issued but was null and void, and a later payment of the fee and reinstate-

ment of the agent did not retroactively validate the bond, so fact questions existed as to the negligent issuance of the bond contrary to a duty to the contractor. King Metal Bldgs., Inc. v. Renasant Ins., Inc., 159 So. 3d 567, 2014 Miss. App. LEXIS 377 (Miss. Ct. App. 2014), cert. denied, 158 So. 3d 1153, 2015 Miss. LEXIS 142 (Miss. 2015).

§ 65-1-123. Sale or disposal of unnecessary property.

JUDICIAL DECISIONS

1. In general.

In an inverse condemnation proceeding against the Mississippi Transportation Commission (Commission), it was not error to grant the Commission's motion in limine to bar evidence of the Commission's alleged abandonment of an easement, apart from the Commission's minutes, because (1) the Commission could not abandon the easement by nonuse, and (2) any determination releasing the easement had to be on the Commission's minutes, making such minutes the only relevant admissible evidence of such a release. Bay Point Props. v. Miss. Transp. Comm'n, 201 So. 3d 1046, 2016 Miss. LEXIS 282 (Miss. 2016), cert. denied, — U.S. —, 137 S. Ct. 2002, 198 L. Ed. 2d 750, 2017 U.S. LEXIS 4057 (U.S. 2017).

§ 65-1-139. Contractors may be required to provide law enforcement safety operations in certain work zones; agreements between contractors and law enforcement agencies to provide work zone law enforcement; utilization of officers from Department of Transportation Office of Law Enforcement to perform work zone safety operations under certain circumstances.

(1) The Mississippi Transportation Commission may require its contractors to provide for law enforcement safety operations in work zones that the commission determines are on high-volume roadways or on high risk projects by including such provision in a contract between the commission and the contractor or as part of a bid requirement. A contractor may provide law enforcement work zone safety operations by entering into mutually agreeable agreements with state, county and/or municipal law enforcement agencies for the provision of such operations. Any law enforcement agency that enters into such agreement with a contractor shall only provide work zone safety operation services in locations that are within the jurisdiction of the law enforcement agency, and the agency shall only have those enforcement powers granted to them by law. Contractors required to provide work zone safety operations and state law enforcement agencies, counties and municipalities are authorized to enter into agreements to effectuate the purposes of this subsection (1).

(2) If a mutually acceptable agreement between a contractor and applicable law enforcement agencies cannot be reached after good faith negotiations, the Mississippi Transportation Commission may utilize officers from the Mississippi Department of Transportation Office of Law Enforcement to

perform safety operations in work zones that the commission determines are on high-volume roadways or on high risk projects. Officers of the Mississippi Department of Transportation Office of Law Enforcement are authorized to utilize any enforcement power already granted to them by law in the performance of work zone safety operations and shall engage the oscillating blue lights on their vehicles to encourage the public to observe all traffic laws while proceeding through the work zone. This subsection (2) shall not be construed as granting the Office of Law Enforcement general police powers.

HISTORY: Laws, 2019, ch. 356, § 1, eff from and after July 1, 2019.

Editor's Notes — A former § 65-1-139 [En Laws, 1980, ch. 329; Repealed by Laws, 1985, ch. 327, effective from and after March 15, 1985] authorized the state to continue to actively participate in the multistate transportation system advisory board.

§ 65-1-175. Jurisdiction and powers of Department of Transportation with respect to roadway/railway crossings.

JUDICIAL DECISIONS

2. Discretionary functions.

Miss. Code Ann. § 65-1-175(3) allowed the Mississippi Department of Transportation, in its discretion, to determine the appropriate type, number, and location of protective devices at railroad crossings, making it immune from liability for failing to provide an adequate clear zone or shoulder or adequate and necessary crash cushions under Miss. Code Ann. § 11-46-9(1)(d) (Rev. 2012). Ala. Great S. R.R. Co. v. Jobes, 156 So. 3d 871, 2015 Miss. LEXIS 37 (Miss. 2015).

OPINIONS OF THE ATTORNEY GENERAL

Counties are responsible for the installation and maintenance of necessary warning signs and pavement markings at rail crossings on roads under their jurisdiction subject to approval by the State Highway Commission. Fortier, Mar. 29, 2002, A.G. Op. #02-0109.

§ 65-1-179. Emergency Road and Bridge Repair Fund created; use of funds; Emergency Road and Bridge Repair Fund Advisory Board.

(1) There is created in the State Treasury a special fund to be known as the "Emergency Road and Bridge Repair Fund," into which shall be deposited money appropriated by the Legislature or otherwise made available in any manner, and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of money deposited into the fund shall be under the direction of the Mississippi Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding for emergency repairs to roads, streets and highways in this state and emergency bridge repairs on public roads, streets and highways in this state, as determined by a unanimous vote of the Mississippi Transportation Commission. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(3)(a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;

(v) The President of the Mississippi Trucking Association;

(vi) The Executive Director of the Mississippi Association of Supervisors;

(vii) The Executive Director of the Mississippi Municipal League;

(viii) The Executive Vice President of the Mississippi Cattlemen's Association;

(ix) The Executive Director of the Mississippi Loggers Association; and

(x) The Executive Director of the American Council of Engineering Companies-Mississippi.

(b) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(c) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote. No compensation, per diem or mileage expense shall be provided board members.

(d) The Governor's office shall provide any necessary administrative support to the board.

(e) The board shall meet at least quarterly to conduct business.

(f) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Emergency Road and Bridge Repair Fund.

(4) The Mississippi Department of Transportation shall have all powers necessary to implement and administer the program established under this section to maximize all potential sources of funding including state and federal, for projects covered by the program. Any available sources of funding may be combined to fund any project covered by the program. This includes state aid road funds and/or Local System Bridge Replacement and Rehabilitation Program funds, which may be used in conjunction with Emergency Road

and Bridge Repair Fund monies within the discretion of the State Aid Engineer. Under no circumstances, however, shall Emergency Road and Bridge Repair Fund monies be used to reimburse any amount that has been expended on the project prior to the award of such monies to the recipient.

(5) When monies in the Emergency Road and Bridge Repair Fund are distributed for projects, such monies shall not be re-deposited in the State Treasury, absent extraordinary circumstances where the recipient must return monies received under the program. This requirement is not intended to inhibit state agencies from receiving Emergency Road and Bridge Repair Fund monies for appropriate projects or to curtail any proper transfer of monies to accomplish such a project.

(6) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

HISTORY: Laws, 2018, 1st Ex Sess, ch. 1, § 8, eff from and after passage (approved August 29, 2018); Laws, 2019, ch. 475, § 1, eff from and after passage (approved April 16, 2019).

Editor's Notes — Laws of 2018, 1st Extraordinary Session, ch. 1, §§ 14 and 15, effective from and after August 29, 2018, provide:

"SECTION 14. This act shall be known and may be cited as the Mississippi Infrastructure Modernization Act of 2018.

"SECTION 15. Sections 5 and 6 of this act shall take effect and be in force from and after October 1, 2018, the remainder of this act shall take effect and be in force from and after its passage."

Amendment Notes — The 2019 amendment, effective April 16, 2019, rewrote former (4), which read: "The Mississippi Department of Transportation shall have all powers necessary to implement and administer the program established under this section, and the department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section" and divided it into present (4) and (6); and added (5).

ARTICLE 3.

EMINENT DOMAIN AND CONDEMNATION PROCEEDINGS.

§ 65-1-301. Definitions.

RESEARCH REFERENCES

ALR.

Construction and Application of Parratt-Hudson Doctrine, Providing That Where Deprivation of Property Interest Is Occasioned by Random and Unauthorized Conduct of State Officials, Procedural Due Process Inquiry Is Limited to Issue of Adequacy of Postdeprivation Remedies Provided by State. 89 A.L.R.6th 1.

CHAPTER 3.

STATE HIGHWAY SYSTEM

General Provisions; Additions to and Deletions from State Highway System, 1954-1971. 65-3-1
Special Designations of Portions of Highway System and Bridges. 65-3-38
Additions to and Deletions from State System after 1971. 65-3-72

GENERAL PROVISIONS; ADDITIONS TO AND DELETIONS FROM STATE HIGHWAY SYSTEM, 1954-1971

Sec.
65-3-37. Markers designating Chickasa-Leaf Barn Quilt Trail authorized.
65-3-37.1. Markers recognizing the Military Order of the Purple Heart authorized.
65-3-37.2. "Home of Tori Bowie, Olympic Gold Medalist, Pisgah High School Graduate" signage authorized.
65-3-37.3. Signage directing motorists to the Lynyrd Skynyrd Monument authorized.
65-3-37.4. Location of Magnolia Heights School signage authorized.
65-3-37.5. "The Sadie Holland Intersection" signage authorized.

§ 65-3-37. Markers designating Chickasa-Leaf Barn Quilt Trail authorized.

(1) The Mississippi Transportation Commission is hereby authorized and directed to allow for the erection of two (2) markers designating the Chickasa-Leaf Barn Quilt Trail, with one (1) at the intersection of Mississippi Highway 98 and Mississippi Highway 57 North, which is outside and east of the McLain corporate limits, and another at the intersection of Mississippi Highway 57 South and Highway 63 South, which is within the Leakesville corporate limits.

(2) The Mississippi Department of Transportation shall not be responsible for erecting or maintaining the markers described in subsection (1) of this section.

HISTORY: Laws of 2015, ch. 442, § 2, eff from and after passage (approved Apr. 18, 2015).

Editor's Notes — A former § 65-3-37 [Codes, 1942, § 8028-08; Laws, 1948, ch. 338, §§ 1, 2; Repealed, Laws, 1981, ch. 464, § 32; reenacted without change, 1985, ch. 537, § 21; reenacted without change, 1987, ch. 510, § 14, eff from and after July 1, 1987; Repealed by Laws, 2000, ch. 574, § 11, eff from and after passage (May 20, 2000)] was entitled "Additional road for state highway system."

§ 65-3-37.1. Markers recognizing the Military Order of the Purple Heart authorized.

(1) The Mississippi Transportation Commission is hereby authorized and directed to allow for the erection of markers recognizing the Military Order of the Purple Heart at the entrances of state highways in the counties of

Mississippi, subject to the limitation that only four (4) markers be authorized for erection per county.

(2) The Mississippi Department of Transportation shall not be responsible for purchasing, erecting or maintaining the markers described in subsection (1) of this section, or any other material related to the erection of such markers. However, the Mississippi Transportation Commission may promulgate rules and regulations in regard to marker placement at the designated entrances. Marker size shall not exceed two (2) feet by two (2) feet. Local governing authorities may assist in the erection of the markers, but shall not be required to do so.

HISTORY: Laws, 2015, ch. 442, § 3, eff from and after passage (approved Apr. 18, 2015).

§ 65-3-37.2. "Home of Tori Bowie, Olympic Gold Medalist, Pisgah High School Graduate" signage authorized.

(1) On Mississippi Highway 25 in Rankin County, Mississippi, where the Pisgah and Ross Barnett Reservoir signs are located near the Pisgah exit may be erected a sign or signs that reads as follows: "Home of Tori Bowie, Olympic Gold Medalist, Pisgah High School Graduate."

(2) The sign or signs described in subsection (1) of this section are to be erected in accordance with the Mississippi Department of Transportation's permitting process and must be paid for by Rankin County.

HISTORY: Laws, 2020, ch. 450, § 10, eff from and after July 1, 2020.

§ 65-3-37.3. Signage directing motorists to the Lynyrd Skynyrd Monument authorized.

For the purpose of directing motorists to the Lynyrd Skynyrd Monument in Pike County, Mississippi, the Mississippi Department of Transportation shall erect and maintain appropriate signs along certain highway segments approaching the monument as follows:

(a) At Exit 8 of Interstate 55, on both the northbound and the southbound sides, to indicate the turn onto Mississippi Highway 568; and

(b) On Mississippi Highway 568 to indicate the turn onto Easley Road.

HISTORY: Laws, 2020, ch. 450, § 11, eff from and after July 1, 2020.

Editor's Note — Laws of 2020, ch. 450, § 12, provides:
"SECTION 12. Section 11 of this act shall be codified in Title 65, Chapter 3, Mississippi Code of 1972."

§ 65-3-37.4. Location of Magnolia Heights School signage authorized.

The Mississippi Department of Transportation shall erect and maintain appropriate signs indicating the location of Magnolia Heights School at the

northbound and southbound lanes of Interstate 55 in Tate County, Mississippi, approaching Exit 263, which is the interchange of Interstate 55 and Mississippi Highway 740.

HISTORY: Laws, 2020, ch. 450, § 14, eff from and after July 1, 2020.

§ 65-3-37.5. "The Sadie Holland Intersection" signage authorized.

The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection of highway described in Chapter 2047, Laws of 2019.

HISTORY: Laws, 2020, ch. 450, § 18, eff from and after July 1, 2020.

SPECIAL DESIGNATIONS OF PORTIONS OF HIGHWAY SYSTEM AND BRIDGES

Sec.

65-3-38.1. Certain restrictions on designations for highways, roads, streets and bridges.
65-3-71.88. "Lance Corporal Roy M. Wheat Memorial Highway" designated.
65-3-71.94. "Deputy Len J. Rowell Memorial Highway" designated.".
65-3-71.102. "Albert B. Shows Memorial Highway" designated.
65-3-71.154. "Dr. Aaron E. Henry Memorial Highway" designated.
65-3-71.193. "Blue Star Memorial Highway" designated.
65-3-71.194. Mississippi Highway 6 in Lee County designated "Military Order of the Purple Heart Highway.".
65-3-71.195. "Tyler R. Kilsby and Leon Sims Memorial Highway" designated.
65-3-71.196. "Carlos 'Coach' McDaniel Memorial Highway" designated.
65-3-71.197. "Senator George Cecil McLeod, Jr., Memorial Highway" designated.
65-3-71.198. Mississippi Highway 6 in Panola County designated "Military Order of the Purple Heart Highway.".
65-3-71.199. "Wyonie 'Sonny' Patterson Memorial Highway" designated.
65-3-71.200. "Lawrence County Veterans Highway" designated.
65-3-71.201. Bridge in City of Natchez designated "Veterans Memorial Bridge.".
65-3-71.202. "Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway" designated.
65-3-71.203. "Adam Lee Weisenberger Memorial Interchange" designated.
65-3-71.204. "Arwilla Huff Davison Memorial Highway" designated.
65-3-71.205. "Representative William E. 'Billy' Bowles Memorial Bridge" designated.
65-3-71.206. "Jesse Brent Memorial Bridge" designated.
65-3-71.207. "Oliver Wendell Pinson Memorial Highway" designated.
65-3-71.208. "Deputy Chief W.T. 'Bill' Martin Memorial Highway" designated.
65-3-71.209. Mississippi Highway 6 within the State of Mississippi designated "Military Order of the Purple Heart Highway.".
65-3-71.210. Mississippi Highway 492 in the Town of Union designated "Blue Star Memorial Highway.".
65-3-71.211. Mississippi Highway 32 in Chickasaw County designated "Veterans Memorial Boulevard.".
65-3-71.212. "Chief Randy Boykin Memorial Intersection" designated.
65-3-71.213. "J.B. Ivy Memorial Bridge" designated.

Sec.

65-3-71.214. "Representative David Gibbs Memorial Highway" designated.
65-3-71.215. "Broderick Rashad Danti Dixon Intersection" designated.
65-3-71.216. "Tommy Bryan Hosey Memorial Highway" designated.
65-3-71.217. "Sergeant John E. Wells Memorial Highway" designated.
65-3-71.218. "Phyllis A. Graham-Steven B. Moss Memorial Highway" designated.
65-3-71.219. "Keith Alan Crenshaw Memorial Highway" designated.
65-3-71.220. "Anthony Lucas Memorial Highway" designated.
65-3-71.221. "William Faulkner Memorial Highway" designated.
65-3-71.222. "MSgt. Scott E. Pruitt Memorial Highway" designated.".
65-3-71.223. "John Lewis 'Louie' Pitts Memorial Highway" designated.
65-3-71.224. "Bond-Breland-Fite Memorial Highway" designated.
65-3-71.225. "Tommy Johnson Blues Memorial Highway" designated.
65-3-71.226. "Lt. Vicky Baldwin Memorial Highway" designated.
65-3-71.227. "Roy B. Fulton Highway" designated.
65-3-71.228. "Dr. Donald W. Zacharias Memorial Highway" designated.
65-3-71.229. "Chief William 'Bill' Lott Memorial Highway" designated.
65-3-71.230. "Jasper County Veterans Memorial Highway" designated.
65-3-71.231. "Mack Jordan Memorial Highway" designated.
65-3-71.232. "Coach Morris Brown Memorial Highway" designated.
65-3-71.233. U.S. Highway 72 in Tishomingo, Alcorn, Tippah, Benton and Marshall Counties, Mississippi, designated the "Veterans Memorial Highway.".
65-3-71.234. "Marc Lee Whatley Memorial Highway" designated.
65-3-71.235. "Agent Kimbrough 'Kim' Sterling Memorial Highway" designated.
65-3-71.236. "Agent Harold Lane Caldwell Memorial Highway" designated.
65-3-71.237. "Charles Foster Memorial Bridge" designated.
65-3-71.238. "Alan Smith and Dennis Rushing Memorial Highway" designated.
65-3-71.239. "Will Roy Dantzler Memorial Highway" designated.
65-3-71.240. "Hank McLeod Memorial Highway" designated.
65-3-71.241. "Corporal Michael Brandon Presley Memorial Highway" designated.
65-3-71.242. "Peyton Coleman Flowers Memorial Highway" designated.
65-3-71.243. "James C. 'Jimmy' Pharr Memorial Highway" designated.
65-3-71.244. Mississippi Highway 8 in the City of Grenada, Mississippi, designated "Blue Star Memorial Highway.".
65-3-71.245. "Terry W. Brown Memorial Bridge" designated.
65-3-71.246. "William Faulkner Memorial Highway" designated.
65-3-71.247. "Senator Bennie L. Turner Memorial Highway" designated.
65-3-71.248. "Dr. Michael Lee Memorial Highway" designated.
65-3-71.249. "Rev. Dan Alexander Memorial Highway" designated.
65-3-71.250. "Spencer Glenn Beckley Memorial Highway" designated.
65-3-71.251. "Sergeant Eric Andrew Lentz Memorial Highway" designated.
65-3-71.252. "Roy B. Fulton Memorial Highway" designated.
65-3-71.253. "Ricky Murrah Memorial Highway" designated.
65-3-71.254. "Sheriff Garry Welford Memorial Highway" designated.
65-3-71.255. Bridge in Lafayette County designated "Veterans Memorial Bridge.".
65-3-71.256. "Military Order of the Purple Heart Trail" designated.
65-3-71.257. "Dewey Townsend Memorial Highway" designated.
65-3-71.258. "James Donovan Gautier Jr. Memorial Highway" designated.
65-3-71.259. "Don Linzy Dixon Gospel Memorial Highway" designated.
65-3-71.260. "Henry Butler Memorial Highway" designated.
65-3-71.261. "Tom Goode Memorial Highway" designated.
65-3-71.262. "Fire Chief Mickey Lewis Yates Memorial Highway" designated.
65-3-71.263. "Taurean Harris Memorial Highway" designated.
65-3-71.264. "'Representative Esther M. Harrison Memorial Highway" designated.
65-3-71.265. "Highway Patrolman Tommy E. Kendall Memorial Highway" designated.

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65-3-71.266. "State Representative Percy L. Maples Memorial Interchange" designated.
65-3-71.267. "Rockabilly Way" designated.
65-3-71.268. "Police Chief Willie James Preston Memorial Highway" designated.
65-3-71.269. "Senator George E. Guerieri, Sr., Memorial Bridge" designated.
65-3-71.270. "Leonard Morris Memorial Highway" designated.
65-3-71.271. "B.B. King Memorial Highway" designated.
65-3-71.272. "Juniper Yates 'JY' Trice Memorial Highway" designated.
65-3-71.273. "Bo Diddley Memorial Highway" designated.
65-3-71.274. "Senator Alice Varnado Harden Memorial Highway" designated.
65-3-71.275. "Senator Henry J. Kirksey Memorial Highway" designated.
65-3-71.276. "Dayton Egger Memorial Highway" designated.
65-3-71.277. "Howard L. (Boney) Cooley Memorial Bridge" designated.
65-3-71.278. "Sergeant Jason Vaughn Memorial Highway" designated.
65-3-71.279. "Marine Corporal Dustin Lee Memorial Highway" designated.
65-3-71.280. "Johnny Thomas Thornton Memorial Highway" designated.
65-3-71.281. "Casey Lynne Casanova Memorial Highway" designated.
65-3-71.282. "Clyde Whitaker Memorial Bridge" designated.
65-3-71.283. "Anne Moody Memorial Highway" designated.
65-3-71.284. "John David Pennebaker Memorial Highway" designated.
65-3-71.285. "Mississippi World War II Veterans Memorial Highway" designated.
65-3-71.286. "Blues and Heritage Highway" designated.
65-3-71.287. "Larry Grantham Memorial Highway" designated.
65-3-71.288. "William Cleo Pitts Memorial Highway" designated.
65-3-71.289. "Leland Taylor Memorial Bridge" designated.
65-3-71.290. "Jim Tuttle Memorial Overpass" designated.
65-3-71.291. "Delta Rhythm & Bayous Highway" designated.
65-3-71.292. "Raymond Comans Memorial Highway" designated.
65-3-71.293. "Nicky Lewis Memorial Highway" designated.
65-3-71.294. "Sonny Merideth Memorial Highway" designated.
65-3-71.295. "YANKY 72 Memorial Highway" designated.
65-3-71.296. "Agent Lee Tartt Memorial Highway" designated.
65-3-71.297. "Winnie Frost Morgan Memorial Highway" designated.
65-3-71.298. "Dalen Keith Thomas Memorial Highway" designated.
65-3-71.299. "Leland 'L.R.' Burcham Memorial Highway" designated.
65-3-71.300. "Lenoise Davidson Memorial Intersection" designated.
65-3-71.301. "Coach Phillip James Jr. Memorial Highway" designated.
65-3-71.302. "Glade Memorial Highway" designated in memory of Fred Blackledge and Coach Frank Lucas.
65-3-71.303. "Maj. Ed 'Too Tall' Freeman Memorial Highway" designated.
65-3-71.304. "Deputy Donald William Durr Memorial Highway" designated.
65-3-71.305. "James Plemon 'J.P.' Coleman Memorial Highway" designated.
65-3-71.306. "Carson W. Bounds Memorial Highway" designated.
65-3-71.307. "Thomas Lee Bales Memorial Highway" designated.
65-3-71.308. "Lucie E. Campbell Memorial Highway" designated.
65-3-71.309. "Andrew and Mary Lou Hawkins Memorial Highway" designated.
65-3-71.310. "Mayor Johnny Biggs Memorial Highway" designated.
65-3-71.311. "Judge Marcus D. Gordon Memorial Highway" designated.
65-3-71.312. "Corporal Zach Moak and Officer James White Memorial Highway" designated.
65-3-71.313. "Benjamin J. Deen Memorial Highway" designated.
65-3-71.314. "Senator William 'Bill' Canon Memorial Highway" designated.
65-3-71.315. "Coach Elmer Higginbotham Memorial Highway" designated.
65-3-71.316. "Speaker William J. 'Billy' McCoy Memorial Highway" designated.

Sec.
65-3-71.317. "H.D. Broome Memorial Highway" designated.
65-3-71.318. "Jeff Boren Memorial Highway" designated.
65-3-71.319. "Blake Burgess Memorial Highway" designated.
65-3-71.320. "Piney Woods Creek Memorial Highway in Recognition EOW April 1, 1921, Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam" designated.
65-3-71.321. "Sheena Miles, R.N., Medical Memorial Bypass" designated.
65-3-71.322. "Tyrone Stewart Memorial Highway" designated.
65-3-71.323. "Sam Dye Memorial Highway" designated.
65-3-71.324. "Mississippi Supreme Court Chief Justice Armis Hawkins Memorial Highway" designated.

§ 65-3-38.1. Certain restrictions on designations for highways, roads, streets and bridges.

(1) No highway, road, street or bridge on the designated state highway system may be named after any person elected by the people to any public office in this state during the term of such person's office or for a period of ten (10) years after such person no longer served in any such office.

(2) No legislation shall be enacted by the Legislature naming any highway, road, street or bridge on the designated state highway system after any person unless the governing body of each county and municipality where the highway, road, street or bridge is located duly adopts a resolution requesting the Legislature to enact such legislation and files a certified copy of such resolution with the Chairman of the Senate or House Committee to which such legislation is referred.

(3) The provisions of this section shall not apply to Sections 65-7-151 and 65-7-153.

HISTORY: Laws, 2002, ch. 556, § 5; Laws, 2013, ch. 342, § 3, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added (3).

§ 65-3-71.88. "Lance Corporal Roy M. Wheat Memorial Highway" designated.

(1) That portion of Interstate Highway 59 located in Forrest County and in Jones County from the Forrest/Jones County line northerly to its intersection with 16th Avenue within the City of Laurel is designated and shall be known as the "Lance Corporal Roy M. Wheat Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2004, ch. 592, § 2; Laws, 2013, ch. 544, § 2; Laws, 2016, ch. 374, § 2, eff from and after July 1, 2016.

Amendment Notes — The 2013 amendment substituted "Forrest County and in Jones County from the Forrest/Jones County line northerly to its intersection with 16th

Street within the City of Laurel" for "Forrest and Jones Counties" in (1).

The 2016 amendment, in (1), substituted "16th Avenue" for "16th Street."

§ 65-3-71.94. "Deputy Len J. Rowell Memorial Highway" designated."

(1) The southbound lane of Interstate 59 in Pearl River County near mile-marker 35 is designated and shall be known as the "Deputy Len J. Rowell Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of the highway described in subsection (1).

HISTORY: Laws, 2005, ch. 418, § 2; Laws, 2015, ch. 379, § 1, eff from and after passage (approved Mar. 18, 2015).

Amendment Notes — The 2015 amendment in (1), substituted "southbound lane of" for "overpass located at exit 35 on," inserted "near mile-marker 35" and substituted "Highway" for "Bridge" at the end; substituted "segment of the highway" for "overpass" in (2).

§ 65-3-71.102. "Albert B. Shows Memorial Highway" designated.

(1) That segment of U.S. Highway 29 in Jones County, beginning at the Jones/Perry County line and extending to the southern city limits of Ellisville is designated and shall be known as the "Albert B. Shows Memorial Highway."

(2)(a) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

(b) The Mississippi Department of Transportation is directed to relocate the signage placed by the cemetery at the southern city limits of Ellisville on Mississippi Highway 29 to approximately one hundred (100) yards south of Augusta Road on the Interstate 59 and Mississippi Highway 590 bypass.

HISTORY: Laws, 2006, ch. 310, § 2; Laws, 2013, ch. 314, § 1, eff from and after passage (approved Mar. 7, 2013).

Amendment Notes — The 2013 amendment inserted the subdivision designator (a) in (2) and added (2)(b).

§ 65-3-71.138. "Van T. Barfoot Medal of Honor Highway" designated.

Cross References — Signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient," see § 65-7-173.

§ 65-3-71.140. "Jack Lucas Medal of Honor Memorial Highway" designated.

Cross References — Signs designating memorial highways named after recipients

of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient," see § 65-7-173.

§ 65-3-71.154. "Dr. Aaron E. Henry Memorial Highway" designated.

(1) That segment of Mississippi Highway 161 in Coahoma County beginning at its northern county line and extending southerly to its southern county line, is designated and shall be known as the "Dr. Aaron E. Henry Memorial Highway."

(2) The segment of U.S. Highway 61 in Coahoma County, Mississippi, beginning at its northern intersection with Mississippi Highway 161 and extending southerly to its southern intersection with Mississippi Highway 161, is designated and shall be known as the "Dr. Aaron E. Henry Memorial Highway."

(3) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsections (1) and (2) of this section.

HISTORY: Laws, 2010, ch. 549, § 1; Laws, 2016, ch. 375, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment added (2), redesignated former (2) as (3), and therein substituted "subsections (1) and (2)" for "subsection (1)."

§ 65-3-71.165. Mississippi Highway 6 in Pontotoc County designated "Military Order of the Purple Heart Highway."

Editor's Notes — This section heading has been amended, as set out above, with the approval of the co-counsel for the Joint Legislative Committee of Compilation, Revision and Publication of Legislation.

§ 65-3-71.189. Mississippi Highway 6 in Lafayette County designated "Military Order of the Purple Heart Highway."

Editor's Notes — This section heading has been amended, as set out above, with the approval of the co-counsel for the Joint Legislative Committee of Compilation, Revision and Publication of Legislation.

§ 65-3-71.193. "Blue Star Memorial Highway" designated.

(1) That portion of Mississippi Highway 25 and Mississippi 15 that converges and overlaps within the corporate limits of the City of Louisville, Mississippi, is designated as "Blue Star Memorial Highway" in honor and in gratitude and appreciation for the contributions and sacrifices of the Armed Forces that have defended the United States of America.

(2) The Mississippi Department of Transportation shall erect suitable markers along that portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 315, § 1, eff from and after passage (approved Mar. 7, 2013).

§ 65-3-71.194. Mississippi Highway 6 in Lee County designated "Military Order of the Purple Heart Highway."

(1) That segment of Mississippi Highway 6 within Lee County, Mississippi, is designated and shall be known as the "Military Order of the Purple Heart Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2013, ch. 317, § 1, eff from and after July 1, 2013.

§ 65-3-71.195. "Tyler R. Kilsby and Leon Sims Memorial Highway" designated.

(1) That reconstructed segment of Mississippi Highway 11 in Lamar County beginning where Mississippi Highway 11 intersects the Norfolk Southern Railroad and extending one thousand eight hundred forty feet (1,840) is designated and shall be known as the Tyler R. Kilsby and Leon Sims Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of highway.

HISTORY: Laws, 2013, ch. 326, § 1, eff from and after July 1, 2013.

§ 65-3-71.196. "Carlos 'Coach' McDaniel Memorial Highway" designated.

(1) That segment of Mississippi Highway 590 from U.S. Interstate 59 east to Augusta Road including the Highway 590/29 Bypass in Jones County, is designated and shall be known as the Carlos "Coach" McDaniel Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of highway.

HISTORY: Laws, 2013, ch. 326, § 2, eff from and after July 1, 2013.

§ 65-3-71.197. "Senator George Cecil McLeod, Jr., Memorial Highway" designated.

(1) That segment of Mississippi Highway 63 beginning at the boundary between George County and Greene County and extending northerly to the

overpass at Mississippi Highway 163 is designated and shall be known as the "Senator George Cecil McLeod, Jr., Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 335, § 1, eff from and after July 1, 2013.

§ 65-3-71.198. Mississippi Highway 6 in Panola County designated "Military Order of the Purple Heart Highway."

(1) That segment of Mississippi Highway 6 within Panola County, Mississippi, shall be known and designated as the "Military Order of the Purple Heart Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 337, § 2, eff from and after passage (approved Mar. 14, 2013).

§ 65-3-71.199. "Wyonie 'Sonny' Patterson Memorial Highway" designated.

(1) That segment of Mississippi Highway 29 (Holly Street) beginning at the intersection with U.S. Highway 11 and extending southeasterly to the intersection with Church Street is designated and shall be known as the "Wyonie 'Sonny' Patterson Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 375, § 1, eff from and after July 1, 2013.

§ 65-3-71.200. "Lawrence County Veterans Highway" designated.

(1) That segment of U.S. Highway 184 beginning at the intersection with U.S. Highway 84 west of the City of Monticello and extending to the intersection with U.S. Highway 84 east of the City of Monticello is designated and shall be known as the "Lawrence County Veterans Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 374, § 1, eff from and after July 1, 2013.

§ 65-3-71.201. Bridge in City of Natchez designated "Veterans Memorial Bridge."

(1) That flyover bridge in the Mississippi Department of Transportation Project at the intersection of U.S. Highway 61 and Devereaux Drive in the City of Natchez in Adams County is designated and shall be known as the "Veterans Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain an appropriate plaque at each end of the bridge, and suitable markers along and approaching the bridge, reflecting its name.

HISTORY: Laws, 2013, ch. 377, § 1, eff from and after passage (approved Mar. 20, 2013).

§ 65-3-71.202. "Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway" designated.

(1) That segment of Mississippi Highway 4 within Prentiss County, Mississippi, beginning at the Prentiss/Tishomingo County line and extending to the intersection of Mississippi Highway 4 and Mississippi Highway 371 is designated and shall be known as the "Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2013, ch. 373, § 1, eff from and after July 1, 2013.

§ 65-3-71.203. "Adam Lee Weisenberger Memorial Interchange" designated.

(1) The Gluckstadt interchange on Interstate 55 in Madison County, Mississippi, is designated and shall be known as the "Adam Lee Weisenberger Memorial Interchange."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2013, ch. 393, § 1, eff from and after July 1, 2013.

§ 65-3-71.204. "Arwilla Huff Davison Memorial Highway" designated.

(1) That portion of Interstate Highway 59 located in Jones County from the Jones/Jasper County line southerly to the Beacon Street exit within the City of Laurel is designated and shall be known as the "Arwilla Huff Davison Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs, both within Jones County and within the City of Laurel, along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 544, § 1; brought forward without change, Laws, 2016, ch. 374, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment brought the section forward without change.

§ 65-3-71.205. "Representative William E. 'Billy' Bowles Memorial Bridge" designated.

(1) The bridge on Mississippi Highway 15 in Chickasaw County within the City of Houston at its intersection with Mississippi Highway 8 is designated and shall be known as the "Representative William E. 'Billy' Bowles Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs and markers along and approaching, and at each end of, the bridge described in subsection (1) of this section.

HISTORY: Laws, 2013, ch. 561, § 1, eff from and after July 1, 2013.

§ 65-3-71.206. "Jesse Brent Memorial Bridge" designated.

(1) That bridge on Mississippi Highway 82 in Washington County that spans the Mississippi River is designated and shall be known as the "Jesse Brent Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain an appropriate plaque at the Mississippi end of the bridge, and suitable markers along and approaching the bridge, reflecting its name.

HISTORY: Laws, 2014, ch. 329, § 1, eff from and after July 1, 2014.

§ 65-3-71.207. "Oliver Wendell Pinson Memorial Highway" designated.

(1) That segment of Mississippi Highway 364 in Prentiss County beginning at its intersection with Mississippi Highway 365 and extending to its intersection with County Road 2201 is designated and shall be known as the "Oliver Wendell Pinson Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Mississippi Highway 364.

HISTORY: Laws, 2014, ch. 325, § 1, eff from and after July 1, 2014.

§ 65-3-71.208. "Deputy Chief W.T. 'Bill' Martin Memorial Highway" designated.

(1) That segment of Mississippi Highway 51 within Madison County, Mississippi, beginning at the corporate limits of the City of Madison and extending to the intersection of Mississippi Highway 51 and Yandell Road is

designated and shall be known as the Deputy Chief W.T. "Bill" Martin Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of the highway.

HISTORY: Laws, 2014, ch. 313, § 1, eff from and after July 1, 2014.

§ 65-3-71.209. Mississippi Highway 6 within the State of Mississippi designated "Military Order of the Purple Heart Highway."

(1) Mississippi Highway 6 within the State of Mississippi is designated and shall be known as the "Military Order of the Purple Heart Highway" in honor and gratitude and appreciation for the contributions made by veterans of this state in the defense of and service to this country.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2014, ch. 327, § 1, eff from and after July 1, 2014.

§ 65-3-71.210. Mississippi Highway 492 in the Town of Union designated "Blue Star Memorial Highway."

(1) That section of Mississippi Highway 492 within the corporate limits of the Town of Union, Mississippi, is designated as the "Blue Star Memorial Highway" in honor and in gratitude and appreciation for the contributions and sacrifices of the Armed Forces that have defended the United States of America.

(2) The Mississippi Department of Transportation shall erect suitable markers along that portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 327, § 2, eff from and after July 1, 2014.

§ 65-3-71.211. Mississippi Highway 32 in Chickasaw County designated "Veterans Memorial Boulevard."

(1) That segment of Mississippi Highway 32 in Chickasaw County beginning at the city limits of Okolona and running east to the Monroe County line is designated and shall be known as the "Veterans Memorial Boulevard."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Mississippi Highway 32.

HISTORY: Laws, 2014, ch. 334, § 1, eff from and after July 1, 2014.

§ 65-3-71.212. "Chief Randy Boykin Memorial Intersection" designated.

(1) The intersection on Mississippi Highway 513 and River Road in the

Town of Enterprise in Clarke County, Mississippi, is designated and shall be known as the "Chief Randy Boykin Memorial Intersection."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection.

HISTORY: Laws, 2014, ch. 390, § 1, eff from and after July 1, 2014.

§ 65-3-71.213. "J.B. Ivy Memorial Bridge" designated.

(1) That bridge that spans the Pearl River on Mississippi Highway 44 in Marion County is designated and shall be known as the "J.B. Ivy Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the bridge described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 367, § 1, eff from and after passage (approved Mar. 17, 2014).

§ 65-3-71.214. "Representative David Gibbs Memorial Highway" designated.

(1) That segment of Mississippi Highway 45 Alternate beginning at the intersection with Mississippi Highway 50 and extending northerly to its intersection with the Monroe County line is designated and shall be known as the "Representative David Gibbs Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 368, § 1, eff from and after July 1, 2014.

§ 65-3-71.215. "Broderick Rashad Danti Dixon Intersection" designated.

(1) The intersection on Mississippi Highway 18 and Siwell Road in Hinds County, Mississippi, is designated and shall be known as the "Broderick Rashad Danti Dixon Intersection."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection.

HISTORY: Laws, 2014, ch. 361, § 1, eff from and after July 1, 2014.

§ 65-3-71.216. "Tommy Bryan Hosey Memorial Highway" designated.

(1) That segment of Mississippi Highway 15 in Jasper County beginning at its intersection with County Road 1511 and extending southerly to its intersection with County Road 151131 is designated and shall be known as the

"Tommy Bryan Hosey Memorial Highway" in memory of the first Jasper County resident killed in Vietnam during the Vietnam War.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 366, § 1, eff from and after passage (approved Mar. 17, 2014).

§ 65-3-71.217. "Sergeant John E. Wells Memorial Highway" designated.

(1) That segment of Mississippi Highway 63 in Jackson County beginning at its intersection with Freeman Road and extending southerly for one (1) mile is designated and shall be known as the "Sergeant John E. Wells Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 406, § 1, eff from and after passage (approved Mar. 19, 2014).

§ 65-3-71.218. "Phyllis A. Graham-Steven B. Moss Memorial Highway" designated.

(1) The segment of Mississippi Highway 9 in Choctaw County, Mississippi, beginning at the Choctaw-Webster County Line and extending southerly to the corporate limits of the Town of Ackerman is designated and shall be known as the "Phyllis A. Graham-Steven B. Moss Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2014, ch. 406, § 2, eff from and after passage (approved Mar. 19, 2014).

§ 65-3-71.219. "Keith Alan Crenshaw Memorial Highway" designated.

(1) That segment of United States Highway 82 in Webster County beginning at its easternmost intersection with Mississippi Highway 182 and extending westerly to its westernmost intersection with Mississippi Highway 182 is designated and shall be known as the "Keith Alan Crenshaw Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 485, § 3, eff from and after July 1, 2014.

§ 65-3-71.220. "Anthony Lucas Memorial Highway" designated.

(1) That segment of Mississippi Highway 15 in Choctaw County beginning at a point located three thousand four hundred (3,400) feet south of its intersection with West Reform-Sturgis Road and East Reform-Sturgis Road and extending northerly for six thousand six hundred (6,600) feet to a point three thousand two hundred (3,200) feet north of its intersection with West Reform-Sturgis Road and East Reform-Sturgis Road is designated and shall be known as the "Anthony Lucas Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 485, § 4, eff from and after July 1, 2014.

§ 65-3-71.221. "William Faulkner Memorial Highway" designated.

(1) That segment of Mississippi Highway 30 in Union County beginning in the City of New Albany at its intersection with Mississippi Highway 178 and extending westerly to its intersection with the Union-Lafayette County Line, is designated and shall be known as the "William Faulkner Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 485, § 5, eff from and after July 1, 2014.

§ 65-3-71.222. "MSgt. Scott E. Pruitt Memorial Highway" designated."

(1) That segment of U.S. Highway 90 in Jackson County within the City of Gautier beginning at its intersection with Mississippi Highway 57 and extending easterly to its intersection with Beasley Road, is designated and shall be known as the "MSgt. Scott E. Pruitt Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 485, § 6; Laws, 2015, ch. 401, § 4, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment inserted "MSgt." preceding "Scott E. Pruitt Memorial Highway" near the end of (1).

§ 65-3-71.223. "John Lewis 'Louie' Pitts Memorial Highway" designated.

(1) That section of U.S. Highway 84 in Wayne County beginning from the West Shady Grove Church Road and extending westerly to the intersection of

U.S. Highway 84 and Eucutta Road is designated and shall be known as the "John Lewis 'Louie' Pitts Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that section of highway.

HISTORY: Laws, 2014, ch. 478, § 1, eff from and after July 1, 2014.

§ 65-3-71.224. "Bond-Breland-Fite Memorial Highway" designated.

(1) That section of Mississippi Highway 26 within the corporate limits of the City of Wiggins, Mississippi, beginning from First Street and extending easterly to the corporate limits of the City of Wiggins is designated and shall be known as the "Bond-Breland-Fite Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that section of highway.

HISTORY: Laws, 2014, ch. 478, § 2, eff from and after July 1, 2014.

§ 65-3-71.225. "Tommy Johnson Blues Memorial Highway" designated.

(1) That section of U.S. Highway 51 in Copiah County within the corporate limits of the City of Crystal Springs beginning from its intersection with Mississippi Highway 27 and extending southerly to its intersection with Pat Harrison Drive is designated and shall be known as the "Tommy Johnson Blues Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that section of highway designated in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 478, § 3, eff from and after July 1, 2014.

§ 65-3-71.226. "Lt. Vicky Baldwin Memorial Highway" designated.

(1) That segment of Mississippi Highway 305 in DeSoto County beginning at the intersection of Bell Forrest Drive and extending to its intersection with College Road is designated and shall be known as the "Lt. Vicky Baldwin Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2014, ch. 478, § 4, eff from and after July 1, 2014.

§ 65-3-71.227. "Roy B. Fulton Highway" designated.

(1) That section of U.S. Highway 82 in Washington County beginning at the corporate limits of the City of Greenville going southward to the new

Highway 82 bridge crossing the Mississippi River is designated and shall be known as the "Roy B. Fulton Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that section of highway.

HISTORY: Laws, 2014, ch. 376, § 1, eff from and after July 1, 2014.

§ 65-3-71.228. "Dr. Donald W. Zacharias Memorial Highway" designated.

(1) The segment of Mississippi Highway 25 in Oktibbeha County beginning at its intersection with Old Highway 25 and extending southerly to its intersection with the Oktibbeha-Winston County Line, is designated and shall be known as the "Dr. Donald W. Zacharias Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

HISTORY: Laws, 2014, ch. 485, § 4, eff from and after July 1, 2014.

§ 65-3-71.229. "Chief William 'Bill' Lott Memorial Highway" designated.

(1) The segment of U.S. Highway 49 West in Sunflower County, Mississippi, beginning at its northern-most intersection with Mississippi Highway 442 and extending northerly therefrom on U.S. Highway 49 West for a distance of one (1) mile, is designated and shall be known as the "Chief William 'Bill' Lott Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 351, § 1, eff from and after July 1, 2015.

§ 65-3-71.230. "Jasper County Veterans Memorial Highway" designated.

(1) The segment of Mississippi Highway 528 extending westerly from U.S. Interstate 59 to its intersection with Jasper County Road 17 is designated and shall be known as the Jasper County Veterans Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs approaching and along this segment of Mississippi Highway 528.

HISTORY: Laws, 2015, ch. 352, § 1, eff from and after July 1, 2015.

§ 65-3-71.231. "Mack Jordan Memorial Highway" designated.

(1) The segment of U.S. Highway 84 in Covington County beginning at its intersection with Salem School Road and Mississippi Highway 588 and

extending easterly to its intersection with Mississippi Highway 37, is designated and shall be known as the "Mack Jordan Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway. The signs shall include the words "Congressional Medal of Honor Recipient," pursuant to the Mississippi Congressional Medal of Honor Recipient's Memorial Highway Act.

HISTORY: Laws, 2015, ch. 382, § 1, eff from and after July 1, 2015.

§ 65-3-71.232. "Coach Morris Brown Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 in Jones County beginning at the city limits of Laurel, Mississippi, and extending northerly to its intersection with Trace Road, is designated and shall be known as the "Coach Morris Brown Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 371, § 1, eff from and after July 1, 2015.

§ 65-3-71.233. U.S. Highway 72 in Tishomingo, Alcorn, Tippah, Benton and Marshall Counties, Mississippi, designated the "Veterans Memorial Highway."

(1) The entire segment of U.S. Highway 72 in Tishomingo, Alcorn, Tippah, Benton and Marshall Counties, Mississippi, beginning at the Mississippi-Tennessee state line, and ending at the Mississippi-Alabama state line, is designated and shall be known as the "Veterans Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 362, § 1, eff from and after July 1, 2015.

§ 65-3-71.234. "Marc Lee Whatley Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 in Jones County, Mississippi, beginning at its intersection with Trace Road and extending northerly to its intersection with Mississippi Highway 537, is designated and shall be known as the "Marc Lee Whatley Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 389, § 1, eff from and after July 1, 2015.

§ 65-3-71.235. "Agent Kimbrough 'Kim' Sterling Memorial Highway" designated.

(1) The segment of Mississippi Highway 24 in Amite County, Mississippi, beginning at its intersection with Enterprise Road and extending westerly to its intersection with Hinton Road is designated and shall be known as the "Agent Kimbrough 'Kim' Sterling Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 381, § 1, eff from and after July 1, 2015.

§ 65-3-71.236. "Agent Harold Lane Caldwell Memorial Highway" designated.

(1) The segment of Mississippi Highway 2 in Alcorn County, Mississippi, beginning at its intersection with Gaines Road and extending westerly to its intersection with Airport Road, is designated and shall be known as the "Agent Harold Lane Caldwell Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 388, § 1, eff from and after July 1, 2015.

§ 65-3-71.237. "Charles Foster Memorial Bridge" designated.

(1) That bridge that spans the Coldwater River on Mississippi Highway 309 in Marshall County is designated and shall be known as the "Charles Foster Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the bridge described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 390, § 1, eff from and after July 1, 2015.

§ 65-3-71.238. "Alan Smith and Dennis Rushing Memorial Highway" designated.

(1) That segment of Mississippi Highway 63 in Greene County beginning at the ambulance response station, which is near the community of Sand Hill, and extending northerly to the Wayne County line is designated and shall be known as the "Alan Smith and Dennis Rushing Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 378, § 1, eff from and after July 1, 2015.

§ 65-3-71.239. "Will Roy Dantzler Memorial Highway" designated.

(1) That segment of Mississippi Highway 528 in Jasper County beginning at its intersection with Interstate 59 and extending easterly to its intersection with U.S. Highway 11 is designated and shall be known as the "Will Roy Dantzler Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 392, § 1, eff from and after July 1, 2015.

§ 65-3-71.240. "Hank McLeod Memorial Highway" designated.

(1) That segment of Mississippi Highway 25 in Oktibbeha County beginning at its intersection with McGee Road and extending southerly to its intersection with St. Marks Drive is designated and shall be known as the "Hank McLeod Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 377, § 1, eff from and after July 1, 2015.

§ 65-3-71.241. "Corporal Michael Brandon Presley Memorial Highway" designated.

(1) The segment of U.S. Highway 51 in Panola County beginning at its intersection with Pope-Water Valley Road and extending southerly to its intersection with Enid Dam Road, is designated and shall be known as the "Corporal Michael Brandon Presley Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 387, § 1, eff from and after July 1, 2015.

§ 65-3-71.242. "Peyton Coleman Flowers Memorial Highway" designated.

(1) The following segments of Mississippi Highway 550 shall be designated as the "Peyton Coleman Flowers Memorial Highway":

(a) The segment beginning at the eastern most point of the school zone near Loyd Star Attendance Center and extending one (1) mile easterly; and

(b) The segment beginning at the western most point of the school zone near Loyd Star Attendance Center and extending one (1) mile westerly.

(2) The Mississippi Department of Transportation shall erect and main-

tain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 391, § 1, eff from and after July 1, 2015.

§ 65-3-71.243. "James C. 'Jimmy' Pharr Memorial Highway" designated.

(1) The segment of Mississippi Highway 371 within the corporate limits of the Town of Marietta in Prentiss County, Mississippi, is designated and shall be known as the James C. "Jimmy" Pharr Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Mississippi Highway 371.

HISTORY: Laws, 2015, ch. 384, § 1, eff from and after July 1, 2015.

§ 65-3-71.244. Mississippi Highway 8 in the City of Grenada, Mississippi, designated "Blue Star Memorial Highway."

(1) That portion of Mississippi Highway 8 within the corporate limits of the City of Grenada, Mississippi, is designated as "Blue Star Memorial Highway" in honor and in gratitude and appreciation for the contributions and sacrifices of the Armed Forces that have defended the United States of America.

(2) The Mississippi Department of Transportation shall erect suitable markers along that portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 372, § 1, eff from and after July 1, 2015.

§ 65-3-71.245. "Terry W. Brown Memorial Bridge" designated.

(1) The bridge which spans the Tennessee-Tombigbee Waterway on U.S. Highway 82 in Lowndes County adjacent to the corporate limits of Columbus, Mississippi, shall be designated and shall be known as the "Terry W. Brown Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs at each end of the bridge.

HISTORY: Laws, 2015, ch. 380, § 1, eff from and after July 1, 2015.

§ 65-3-71.246. "William Faulkner Memorial Highway" designated.

(1) The segment of Mississippi Highway 30 extending from the Lafayette/Union County line to its intersection with Mississippi Highway 7 within the

corporate limits of the City of Oxford, Mississippi, is designated and shall be known as the William Faulkner Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs approaching and along this segment of Mississippi Highway 30.

HISTORY: Laws, 2015, ch. 383, § 1, eff from and after July 1, 2015.

§ 65-3-71.247. "Senator Bennie L. Turner Memorial Highway" designated.

(1) That segment of U.S. Highway 45 Alternate in Clay County beginning at the intersection with Mississippi Highway 50 and extending southerly to its intersection with the Lowndes County line is designated and shall be known as the "Senator Bennie L. Turner Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 375, § 1, eff from and after July 1, 2015.

§ 65-3-71.248. "Dr. Michael Lee Memorial Highway" designated.

(1) The segment of Kiln Delisle Road between Silver Creek Road and Koch Ranch Road that is part of the state highway system in Hancock County is designated and shall be known as the "Dr. Michael Lee Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Kiln Delisle Road.

HISTORY: Laws, 2015, ch. 376, § 1, eff from and after July 1, 2015.

§ 65-3-71.249. "Rev. Dan Alexander Memorial Highway" designated.

(1) That segment of Mississippi Highway 555, also known as Martin Luther King, Jr. Road, in Adams County beginning at its intersection with Broadmoor Drive and extending northerly to its intersection with Steamplant Road is designated and shall be known as the "Rev. Dan Alexander Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 401, § 1, eff from and after July 1, 2015.

§ 65-3-71.250. "Spencer Glenn Beckley Memorial Highway" designated.

(1) That segment of Mississippi Highway 9 in Calhoun County beginning at its intersection with County Road 406 and extending northerly to its intersection with Pittsboro Park Road is designated and shall be known as the "Spencer Glenn Beckley Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 401, § 2, eff from and after July 1, 2015.

§ 65-3-71.251. "Sergeant Eric Andrew Lentz Memorial Highway" designated.

(1) That segment of U.S. Highway 51 in Tate County beginning at the north corporate limits of the City of Senatobia and extending northerly to the south corporate limits of the Town of Coldwater is designated and shall be known as the "Sergeant Eric Andrew Lentz Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 401, § 3, eff from and after July 1, 2015.

§ 65-3-71.252. "Roy B. Fulton Memorial Highway" designated.

(1) That segment of U.S. Highway 82 in Washington County beginning at its intersection with West Reed Road and extending westerly to its intersection with the Greenville corporate limits is designated and shall be known as the "Roy B. Fulton Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 401, § 5, eff from and after July 1, 2015.

§ 65-3-71.253. "Ricky Murrah Memorial Highway" designated.

(1) The segment of U.S. Highway 98 beginning at the intersection with Donovan/Brushy Creek Road and extending approximately two (2) miles easterly to the intersection of Shipman/Beaver Creek Road in George County is designated and shall be known as the "Ricky Murrah Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of U.S. Highway 98 in George County.

HISTORY: Laws, 2015, ch. 444, § 1, eff from and after July 1, 2015.

§ 65-3-71.254. "Sheriff Garry Welford Memorial Highway" designated.

(1) The following segment of U.S. Highway 98 in George County, Mississippi, beginning at its intersection of Mississippi Highway 53 overpass and extending approximately four (4) miles easterly to the intersection of Old Mississippi Highway 63 north is designated and shall be known as the "Sheriff Garry Welford Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of U.S. Highway 98.

HISTORY: Laws, 2015, ch. 444, § 2, eff from and after July 1, 2015.

§ 65-3-71.255. Bridge in Lafayette County designated "Veterans Memorial Bridge."

(1) The bridge that traverses the Little Tallahatchie River on Mississippi Highway 7 in Lafayette County shall be designated and known as the "Veterans Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs at each end of the bridge.

HISTORY: Laws, 2015, ch. 444, § 3, eff from and after July 1, 2015.

§ 65-3-71.256. "Military Order of the Purple Heart Trail" designated.

(1) U.S. Highway 61 that lies in the State of Mississippi is designated and shall be known as the "Military Order of the Purple Heart Trail."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 454, § 1, eff from and after passage (approved Apr. 20, 2015).

§ 65-3-71.257. "Dewey Townsend Memorial Highway" designated.

(1) That segment of U.S. Highway 51 in Montgomery County within the City of Winona beginning at its intersection with Summit Street and extending northerly to its intersection with U.S. Highway 82 is designated and shall be known as the "Dewey Townsend Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 454, § 2, eff from and after passage (approved Apr. 20, 2015).

§ 65-3-71.258. "James Donovan Gautier Jr. Memorial Highway" designated.

(1) That segment of Mississippi Highway 57 in Jackson County within the City of Gautier beginning at its intersection with Brown Road and extending northerly to its intersection with Interstate 10 is designated and shall be known as the "James Donovan Gautier Jr. Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 454, § 3, eff from and after passage (approved Apr. 20, 2015).

§ 65-3-71.259. "Don Linzy Dixon Gospel Memorial Highway" designated.

(1) That segment of Mississippi Highway 27 in Copiah County beginning at its southernmost intersection with Brushy Creek Road and extending southerly to its intersection with Mississippi Highway 28 is designated and shall be known as the "Don Linzy Dixon Gospel Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2015, ch. 454, § 4, eff from and after passage (approved Apr. 20, 2015).

§ 65-3-71.260. "Henry Butler Memorial Highway" designated.

(1) The segment of U.S. Highway 61 beginning at the northern city limits of Shaw and continuing north to the O'Reilly Community in Bolivar County is designated and shall be known as the "Henry Butler Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of U.S. Highway 61 in Bolivar County.

HISTORY: Laws, 2015, ch. 482, § 1, eff from and after July 1, 2015.

§ 65-3-71.261. "Tom Goode Memorial Highway" designated.

(1) The segment of U.S. Highway 45 Alternate within Lowndes County, Mississippi, is designated and shall be known as the Tom Goode Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of Mississippi Highway 45.

HISTORY: Laws, 2016, ch. 318, § 1, eff from and after July 1, 2016.

§ 65-3-71.262. "Fire Chief Mickey Lewis Yates Memorial Highway" designated.

(1) The segment of Mississippi Highway 492 in Newton County, Mississippi, beginning at its intersection with Bill Willis Road and extending westerly to its intersection with the Newton-Scott County Line, is designated and shall be known as the "Fire Chief Mickey Lewis Yates Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2016, ch. 372, § 1, eff from and after July 1, 2016.

§ 65-3-71.263. "Taurean Harris Memorial Highway" designated.

(1) The segment of Mississippi Highway 48 in Amite County, Mississippi, beginning at its intersection with East Jerusalem Road and extending westerly to its intersection with West Jerusalem Road, is designated and shall be known as the "Taurean Harris Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2016, ch. 373, § 1, eff from and after July 1, 2016.

§ 65-3-71.264. "'Representative Esther M. Harrison Memorial Highway" designated.

(1) That segment of Mississippi Highway 182 in Lowndes County, Mississippi, beginning at its intersection with South Martin Luther King Jr. Drive and extending easterly to its intersection with Lehmberg Road is designated and shall be known as the "Representative Esther M. Harrison Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2016, ch. 385, § 1, eff from and after July 1, 2016.

§ 65-3-71.265. "Highway Patrolman Tommy E. Kendall Memorial Highway" designated.

(1) That segment of U.S. Highway 49 East in Leflore County, Mississippi, beginning at its intersection with Mississippi Highway 8 and extending northerly for two (2) miles is designated and shall be known as the "Highway Patrolman Tommy E. Kendall Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and main-

tain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

Additionally, the Mississippi Department of Transportation is hereby directed to erect a suitable memorial along such segment at a site to be chosen with the approval of the survivors and family of Highway Patrolman Tommy E. Kendall.

HISTORY: Laws, 2016, ch. 461, § 3, eff from and after July 1, 2016.

§ 65-3-71.266. "State Representative Percy L. Maples Memorial Interchange" designated.

(1) The interchange located at the intersection of Mississippi Highway 63 and Mississippi Highway 26 in George County, Mississippi, is designated and shall be known as the "State Representative Percy L. Maples Memorial Interchange."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs approaching the interchange described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 341, § 1, eff from and after July 1, 2017.

§ 65-3-71.267. "Rockabilly Way" designated.

(1) The segment of Old U.S. Highway 45, also designated as Mississippi Highway 145, in Alcorn, Prentiss and Lee Counties, Mississippi, beginning at the Mississippi-Tennessee state line and extending southerly to its intersection with U.S. Interstate Highway 22, is designated and shall be known as "Rockabilly Way."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 430, § 1, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:

"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.268. "Police Chief Willie James Preston Memorial Highway" designated.

(1) That segment of Mississippi Highway 589 in Lamar County beginning at the Covington/Lamar County line and extending to the intersection of Mississippi Highway 589 and Mississippi Highway 42 is designated and shall be known as the "Police Chief Willie James Preston Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Mississippi Highway 589.

HISTORY: Laws, 2017, ch. 430, § 2, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.269. "Senator George E. Guerieri, Sr., Memorial Bridge" designated.

(1) That bridge on Mississippi Highway 302 in DeSoto County that spans Interstate Highway 55 is designated and shall be known as the "Senator George E. Guerieri, Sr., Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the bridge described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 430, § 3, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.270. "Leonard Morris Memorial Highway" designated.

(1) That portion of Mississippi Highway 35 within the corporate limits of the City of Batesville, Mississippi, from its intersection with Brewer Road to the point at which it intersects with Interstate Highway 55, is designated and shall be known as the "Leonard Morris Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in this section.

HISTORY: Laws, 2017, ch. 430, § 4, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.271. "B.B. King Memorial Highway" designated.

(1) That portion of United States Highway 82 in Leflore County from the point of its intersection with Berclair Road to the point of its intersection with Valley of Scholars Boulevard is designated and shall be known as the "B.B. King Memorial Highway."

(2) The Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in this section.

HISTORY: Laws, 2017, ch. 430, § 5, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.272. "Juniper Yates 'JY' Trice Memorial Highway" designated.

(1) That portion of Mississippi Highway 8 beginning at the western corporate limits of the Town of Pace and extending for two (2) miles west of the western corporate limits of the Town of Pace is designated and shall be known as the Juniper Yates "JY" Trice Memorial Highway.

(2) The Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in this section.

HISTORY: Laws, 2017, ch. 430, § 6, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.273. "Bo Diddley Memorial Highway" designated.

(1) The segment of U.S. Interstate Highway 55 in Pike County, Mississippi, beginning at exit 20A located in Summit, Mississippi, and extending southerly to exit 13 located in Fernwood, Mississippi, is designated and shall be known as the "Bo Diddley Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section on both the northbound and southbound lanes.

HISTORY: Laws, 2017, ch. 430, § 7, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.274. "Senator Alice Varnado Harden Memorial Highway" designated.

(1) That segment of Interstate 220 in Hinds County beginning at the intersection of Interstate 220 and Interstate 20 and extending northerly to Clinton Boulevard is designated and shall be known as the "Senator Alice Varnado Harden Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of interstate described in this section.

HISTORY: Laws, 2017, ch. 430, § 8, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.275. "Senator Henry J. Kirksey Memorial Highway" designated.

(1) That segment of Interstate 220 in Hinds County beginning at its intersection with Clinton Boulevard and extending northerly to Medgar Evers Boulevard is designated and shall be known as the "Senator Henry J. Kirksey Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of interstate described herein.

HISTORY: Laws, 2017, ch. 430, § 9, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

§ 65-3-71.276. "Dayton Egger Memorial Highway" designated.

(1) The segment of U.S. Highway 82 in Lowndes County, Mississippi, beginning at its intersection with U.S. Highway 45 South and extending westerly to the Lowndes-Oktibbeha County line, is designated and shall be known as the "Dayton Egger Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 1, eff from and after July 1, 2017.

§ 65-3-71.277. "Howard L. (Boney) Cooley Memorial Bridge" designated.

(1) The bridge that spans the West Tallahala Creek on Highway 18 in Smith County, Mississippi, is designated and shall be known as the "Howard L. (Boney) Cooley Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs at each end of the bridge described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 2, eff from and after July 1, 2017.

§ 65-3-71.278. "Sergeant Jason Vaughn Memorial Highway" designated.

(1) The segment of Mississippi Highway 25 in Tishomingo County, Mississippi, that is within the municipal limits of the City of Iuka, Mississippi, is designated and shall be known as the "Sergeant Jason Vaughn Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 3, eff from and after July 1, 2017.

§ 65-3-71.279. "Marine Corporal Dustin Lee Memorial Highway" designated.

(1) The segment of Mississippi Highway 513 in Clarke County, Mississippi, beginning at the northern limit of the town of Stonewall, Mississippi, and extending southerly to its intersection with Mississippi Highway 145, is designated and shall be known as the "Marine Corporal Dustin Lee Memorial Highway."

(2) In addition to memorializing the ultimate sacrifice Corporal Lee made on March 21, 2007, the Legislature also recognizes Corporal Lee's Military Working Dog Lex, who was wounded in the attack that killed Corporal Lee, earning Lex an honorary Purple Heart Medal. The bond between Corporal Lee and Lex was so strong that the wounded Lex would not leave Corporal Lee's side and had to be dragged away by corpsmen to be treated, and as such it is only fitting that this memorial highway designation also serve as a memorial for Lex, who reunited with his partner on March 25, 2012.

(3) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 4, eff from and after July 1, 2017.

§ 65-3-71.280. "Johnny Thomas Thornton Memorial Highway" designated.

(1) The segment of Mississippi 15 in Jasper County, Mississippi, beginning at the southern city limits of Bay Springs and extending southerly to its intersection with County Road 12, is designated and shall be known as the "Johnny Thomas Thornton Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 5, eff from and after July 1, 2017.

§ 65-3-71.281. "Casey Lynne Casanova Memorial Highway" designated.

(1) The segment of U.S. Highway 98 in Pike County, Mississippi, beginning at the western city limits of Summit and extending westerly to the Pike County line, is designated and shall be known as the "Casey Lynne Casanova Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 6, eff from and after July 1, 2017.

§ 65-3-71.282. "Clyde Whitaker Memorial Bridge" designated.

(1) The bridge on Coley Road Extended/West Barnes Crossing Road that spans Interstate 22 in Lee County, Mississippi, is designated and shall be known as the "Clyde Whitaker Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect appropriate signs along and approaching the bridge described in subsection (1) of this section.

HISTORY: Laws, 2017, ch. 443, § 7, eff from and after July 1, 2017.

§ 65-3-71.283. "Anne Moody Memorial Highway" designated.

(1) The segment of Mississippi Highway 24 in Wilkinson County, Mississippi, beginning at its intersection with U.S. Highway 61 in Woodville, Mississippi, and extending east to the Amite County line in Centreville, Mississippi, is designated as the "Anne Moody Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 335, § 1, eff from and after July 1, 2018.

§ 65-3-71.284. "John David Pennebaker Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 North in Union County, Mississippi, beginning at the New Albany, Mississippi, city limits and running north to the Union County line, is designated as the "John David Pennebaker Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 361, § 1, eff from and after July 1, 2018.

§ 65-3-71.285. "Mississippi World War II Veterans Memorial Highway" designated.

(1) The entire segment of U.S. Highway 49 in Simpson County, Mississippi, is designated as the "Mississippi World War II Veterans Memorial Highway" in commemoration of the contributions of all World War II Veterans, including the contributions of D'Lo, Mississippi, located in Simpson County, Mississippi, as contributing the largest percentage of its citizens of any municipality in the nation to serve during World War II.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section, to include an appropriate sign near the Town of D'Lo, Mississippi.

HISTORY: Laws, 2018, ch. 372, § 1, eff from and after July 1, 2018.

§ 65-3-71.286. "Blues and Heritage Highway" designated.

(1) U.S. Highway 82 within the State of Mississippi is designated and shall be known as the "Blues and Heritage Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway described in subsection (1) of this section.

HISTORY: Laws, 2018, HB1208, § 2, eff from and after July 1, 2018.

§ 65-3-71.287. "Larry Grantham Memorial Highway" designated.

(1) That portion of United States Highway 27 in Copiah County, Mississippi, beginning at its intersection with United States Highway 51 and extending southeasterly to its intersection with Old Highway 27 #2 is designated and shall be known as "Larry Grantham Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 1, eff from and after July 1, 2018.

§ 65-3-71.288. "William Cleo Pitts Memorial Highway" designated.

(1) That portion of Mississippi Highway 63 in Wayne County, Mississippi, beginning at its intersection with Red Brown Drive and extending southerly for one (1) mile, is designated and shall be known as "William Cleo Pitts Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 2, eff from and after July 1, 2018.

§ 65-3-71.289. "Leland Taylor Memorial Bridge" designated.

(1) That bridge on Adams Street that spans Interstate 22 in Itawamba County, Mississippi, in the City of Fulton, is designated and shall be known as "Leland Taylor Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain an appropriate plaque at each end of the bridge, and suitable markers along and approaching the bridge, described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 3, eff from and after July 1, 2018.

§ 65-3-71.290. "Jim Tuttle Memorial Overpass" designated.

(1) That overpass bridge on Mississippi Highway 309 that spans Interstate 269 in Marshall County, Mississippi, is designated and shall be known as "Jim Tuttle Memorial Overpass."

(2) The Mississippi Department of Transportation shall erect and maintain an appropriate plaque at each end of the overpass bridge, and suitable markers along and approaching the overpass bridge, described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 4, eff from and after July 1, 2018.

§ 65-3-71.291. "Delta Rhythm & Bayous Highway" designated.

(1) United States Highway 82 in Washington County, Mississippi, is designated the "Delta Rhythm & Bayous Highway" as part of the corridor that connects to the "Delta Rhythm & Bayous Highway" in Arkansas.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 5, eff from and after July 1, 2018.

§ 65-3-71.292. "Raymond Comans Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 in Newton County, Mississippi, beginning at its intersection of Savell Road and extending north to its intersection with Stratton Road, is designated as the "Raymond Comans Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 6, eff from and after July 1, 2018.

§ 65-3-71.293. "Nicky Lewis Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 in Oktibbeha County, Mississippi, beginning at its intersection of County Line Road and extending north to its intersection with Hatcher Road, is designated as the "Nicky Lewis Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 444, § 7, eff from and after July 1, 2018.

§ 65-3-71.294. "Sonny Merideth Memorial Highway" designated.

(1) That portion of Mississippi Highway 1 in Washington County, Mississippi, that extends one (1) mile north and one (1) mile south of the intersection of Mississippi Highway 1 and James Crossing Road is designated and shall be known as "Sonny Merideth Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 428, § 1, eff from and after July 1, 2018.

§ 65-3-71.295. "YANKY 72 Memorial Highway" designated.

(1) A portion of U.S. Highway 82 in Leflore County, Mississippi, as designated by the Mississippi Department of Transportation, shall be known as the "YANKY 72 Memorial Highway" in honor of the Marines and the Navy Corpsman who were killed in the crash of a KC-130 aircraft on July 10, 2017.

(2) The Mississippi Department of Transportation shall erect and maintain a memorial marker provided by the Marine Corps League Department of Mississippi at a location adjacent to Highway 82 that is nearest the location of the crash and the department shall erect and maintain other appropriate signs along and approaching the designated segment of U.S. Highway 82.

HISTORY: Laws, 2018, ch. 428, § 2, eff from and after July 1, 2018.

§ 65-3-71.296. "Agent Lee Tartt Memorial Highway" designated.

(1) That portion of Mississippi Highway 1 within Grenada County, Mississippi, beginning at the intersection of U.S. Highway 51 and Papermill Road and extending northerly to its intersection with Mississippi Highway 7 is designated and shall be known as "Agent Lee Tartt Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2018, ch. 428, § 3, eff from and after July 1, 2018.

§ 65-3-71.297. "Winnie Frost Morgan Memorial Highway" designated.

(1) The segment of Mississippi Highway 537 in Jones County, Mississippi, beginning at its intersection with Mississippi Highway 15/Matthews Road and extending northeasterly to its intersection with the Jones/Jasper County Line near the unincorporated community of Moss, Mississippi, is designated as the "Winnie Frost Morgan Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 314, § 1, eff from and after July 1, 2019.

§ 65-3-71.298. "Dalen Keith Thomas Memorial Highway" designated.

(1) The segment of Mississippi Highway 370 in Lee County, Mississippi, beginning at its intersection with County Road 2788 and extending southerly to its intersection with County Road 1503, is designated as the "Dalen Keith Thomas Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 314, § 2, eff from and after July 1, 2019.

§ 65-3-71.299. "Leland 'L.R.' Burcham Memorial Highway" designated.

(1) The segment of Mississippi Highway 370 in Lee County, Mississippi, beginning at its intersection with County Road 2788 and extending northerly to its intersection with Mississippi Highway 366, is designated as the "Leland 'L.R.' Burcham Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 314, § 3, eff from and after July 1, 2019.

§ 65-3-71.300. "Lenoise Davidson Memorial Intersection" designated.

(1) The intersection of Mississippi Highway 370 with County Road 2788

in Lee County, Mississippi, is designated as the "Lenoise Davidson Memorial Intersection."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 314, § 4, eff from and after July 1, 2019.

§ 65-3-71.301. "Coach Phillip James Jr. Memorial Highway" designated.

(1) The segment of United States Highway 11 in Jones County, Mississippi, beginning at its intersection with the southernmost corporate limits of the City of Ellisville, Mississippi, and extending southerly to its intersection with Hall Street in the unincorporated community of Moselle, Mississippi, is designated as the "Coach Phillip James Jr. Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 317, § 1, eff from and after July 1, 2019.

§ 65-3-71.302. "Glade Memorial Highway" designated in memory of Fred Blackledge and Coach Frank Lucas.

(1) The segment of Mississippi Highway 15 in Jones County, Mississippi, beginning at its southernmost intersection with the corporate limits of the City of Laurel and extending southerly until its intersection with Triangle Drive/Country Circle is designated as the "Glade Memorial Highway" in memory of the late Fred Blackledge and Coach Frank Lucas.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 315, § 1, eff from and after July 1, 2019.

§ 65-3-71.303. "Maj. Ed 'Too Tall' Freeman Memorial Highway" designated.

(1) The segment of Mississippi Highway 98 in Greene County, Mississippi, beginning at its intersection with Mississippi Highway 198/Old Highway 98 and extending southeasterly to its intersection with Mississippi Highway 57 South, is designated as the "Maj. Ed 'Too Tall' Freeman Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 320, § 1, eff from and after July 1, 2019.

§ 65-3-71.304. "Deputy Donald William Durr Memorial Highway" designated.

(1) The segment of United States Highway 51 in Lincoln County, Mississippi, beginning at its intersection with Lee Drive and extending northerly to its southern most intersection with Cold Springs Lane is designated as the "Deputy Donald William Durr Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 319, § 1, eff from and after July 1, 2019.

§ 65-3-71.305. "James Plemon 'J.P.' Coleman Memorial Highway" designated.

(1) The segment of Mississippi Highway 759 in Choctaw County, Mississippi, located in the City of Ackerman, is designated as the "James Plemon 'J.P.' Coleman Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 316, § 1, eff from and after July 1, 2019.

§ 65-3-71.306. "Carson W. Bounds Memorial Highway" designated.

(1) That portion of Mississippi Highway 16 in Neshoba County, Mississippi, beginning at its intersection with Mississippi Highway 482 and extending eastward to its intersection with Mississippi Highway 491, is designated and shall be known as the "Carson W. Bounds Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 406, § 1, eff from and after passage (approved March 22, 2019).

§ 65-3-71.307. "Thomas Lee Bales Memorial Highway" designated.

(1) That portion of Mississippi Highway 25 from the city limits of Aberdeen, Monroe County, Mississippi, to Highway 382, is designated and shall be known as the "Thomas Lee Bales Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 424, § 1, eff from and after July 1, 2019.

§ 65-3-71.308. "Lucie E. Campbell Memorial Highway" designated.

(1) That portion of United States Highway 51 within the city limits of Duck Hill, Montgomery County, Mississippi, is designated and shall be known as the "Lucie E. Campbell Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 424, § 2, eff from and after July 1, 2019.

§ 65-3-71.309. "Andrew and Mary Lou Hawkins Memorial Highway" designated.

(1) That portion of United States Highway 61 within the city limits of Shaw, Bolivar County, Mississippi, is designated and shall be known as the "Andrew and Mary Lou Hawkins Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 424, § 3, eff from and after July 1, 2019.

§ 65-3-71.310. "Mayor Johnny Biggs Memorial Highway" designated.

(1) That portion of United States Highway 72 within the corporate limits of the City of Iuka, Tishomingo County, Mississippi, is designated and shall be known as the "Mayor Johnny Biggs Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2019, ch. 424, § 4, eff from and after July 1, 2019.

§ 65-3-71.311. "Judge Marcus D. Gordon Memorial Highway" designated.

(1) The segment of Mississippi Highway 15 in Newton County, Mississippi, beginning at the southern corporate limits of the City of Union and extending northward for one (1) mile, is designated as the "Judge Marcus D. Gordon Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 375, § 1, eff from and after July 1, 2020.

§ 65-3-71.312. "Corporal Zach Moak and Officer James White Memorial Highway" designated.

(1) The segment of U.S. Highway 51 in Lincoln County, Mississippi, beginning at its intersection at Natchez Avenue and extending north to its intersection with Brookway Boulevard is designated as the "Corporal Zach Moak and Officer James White Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 1, eff from and after July 1, 2020.

§ 65-3-71.313. "Benjamin J. Deen Memorial Highway" designated.

(1) The segment of Mississippi Highway 589 in Lamar County, Mississippi, beginning one-half (1/2) mile north of its intersection with Victory Road and extending one (1) mile south, is designated as the "Benjamin J. Deen Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 2, eff from and after July 1, 2020.

§ 65-3-71.314. "Senator William 'Bill' Canon Memorial Highway" designated.

(1) The segment of Mississippi Highway 50 in Lowndes County, Mississippi, in the corporate limits of the City of Columbus, Mississippi, beginning at its intersection with Gardner Boulevard and extending one (1) mile east, is designated as the "Senator William 'Bill' Canon Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 3, eff from and after July 1, 2020.

§ 65-3-71.315. "Coach Elmer Higginbotham Memorial Highway" designated.

(1) The segment of U.S. Highway 11 in Jones County, Mississippi, beginning at its intersection with Hill Street and extending one (1) mile south, is designated as the "Coach Elmer Higginbotham Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and main-

tain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 4, eff from and after July 1, 2020.

§ 65-3-71.316. "Speaker William J. 'Billy' McCoy Memorial Highway" designated.

(1) The segment of U.S. Highway 45 in Alcorn County and Prentiss County, Mississippi, beginning one (1) mile north of the intersection of U.S. Highway 45 and Mississippi Highway 356 and ending two (2) miles south of the intersection of U.S. Highway 45 and Mississippi Highway 356, is designated as the "Speaker William J. 'Billy' McCoy Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 5, eff from and after July 1, 2020.

§ 65-3-71.317. "H.D. Broome Memorial Highway" designated.

(1) The segment of Mississippi Highway 35 in Jefferson Davis County, Mississippi, beginning at the northern corporate limits of the Town of Bassfield and extending south for one (1) mile, is designated as the "H.D. Broome Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 6, eff from and after July 1, 2020.

§ 65-3-71.318. "Jeff Boren Memorial Highway" designated.

(1) The segment of Mississippi Highway 371 in Itawamba County, Mississippi, beginning one-half (1/2) mile north of its intersection with Ozark Baptist Church Road and extending south to a point one-half (1/2) mile south of its intersection with Ozark Baptist Church Road, is designated as the "Jeff Boren Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 7, eff from and after July 1, 2020.

§ 65-3-71.319. "Blake Burgess Memorial Highway" designated.

(1) The segment of Mississippi Highway 16 in Leake County, Mississippi, in the corporate limits of the City of Carthage, Mississippi, beginning at its

intersection with Dona Drive and extending west to 1300 Highway 16, is designated as the "Blake Burgess Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 8, eff from and after July 1, 2020.

§ 65-3-71.320. "Piney Woods Creek Memorial Highway in Recognition EOW April 1, 1921, Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam" designated.

(1) The segment of Mississippi Highway 42 in Greene County, Mississippi, beginning at its southern intersection with Mississippi Highway 63 and extending one (1) mile west, is designated as the "Piney Woods Creek Memorial Highway in Recognition EOW April 1, 1921, Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 9, eff from and after July 1, 2020.

§ 65-3-71.321. "Sheena Miles, R.N., Medical Memorial Bypass" designated.

(1) That portion of Mississippi Highway 13 Bypass located in Scott County within the corporate limits of the City of Morton, Mississippi, is designated and shall be known as the "Sheena Miles, R.N., Medical Memorial Bypass."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 13, eff from and after July 1, 2020.

§ 65-3-71.322. "Tyrone Stewart Memorial Highway" designated.

(1) That portion of Highway 11 in Jones County, Mississippi, beginning at its intersection with Magnolia Road and extending southward for one (1) mile, is designated and shall be known as the "Tyrone Stewart Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 15, eff from and after July 1, 2020.

§ 65-3-71.323. "Sam Dye Memorial Highway" designated.

(1) That portion of Mississippi Highway 302, also known as Goodman Road, in Horn Lake, Mississippi, beginning at its intersection with U.S. Highway 51 and extending eastward to its intersection with Interstate 55, is designated and shall be known as the "Sam Dye Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 16, eff from and after July 1, 2020.

§ 65-3-71.324. "Mississippi Supreme Court Chief Justice Armis Hawkins Memorial Highway" designated.

(1) That portion of Old Highway 15/South Jackson Street in Houston, Mississippi, beginning at its intersection with Mississippi Highway 389 and extending northward to its intersection with Mississippi Highway 8, is designated and shall be known as the "Mississippi Supreme Court Chief Justice Armis Hawkins Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

HISTORY: Laws, 2020, ch. 450, § 17, eff from and after July 1, 2020.

ADDITIONS TO AND DELETIONS FROM STATE SYSTEM AFTER 1971

Sec.

65-3-143.17. Deletion from State Highway System: Central District — Madison County — Laws, 2013, ch. 427.
65-3-143.18. Add segment in Central District — Madison County — to State Highway System.

§ 65-3-143.17. Deletion from State Highway System: Central District — Madison County — Laws, 2013, ch. 427.

The following segment of highway is deleted from the state highway system, removed from the jurisdiction of the Mississippi Transportation Commission and returned to the jurisdiction of the Mayor and Board of Aldermen of the City of Canton, Madison County, Mississippi:

Central District — Madison County: Mississippi 16 beginning at its intersection with U.S. 51 and extending easterly to its intersection with U.S. 43 on the east side of the City of Canton.

HISTORY: Laws, 2013, ch. 427, § 2, eff from and after July 1, 2013.

§ 65-3-143.18. Add segment in Central District — Madison County — to State Highway System.

(1) The following segment of highway is designated as a state highway and placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance; and such highway, together with the highways designated in Section 65-3-3, and all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

Central District — Madison County: That segment of newly constructed highway extending from U.S. 51 andextending easterly to its intersection with U.S. 43 (MDOT Project NCPD-6993-00(001)/104137-301000), on the east side of the City of Canton, which shall be designated as a part of Mississippi 16.

(2) The Mississippi Transportation Commission shall take over and assume responsibility for construction and maintenance of the segment of highway described in subsection (1).

HISTORY: Laws, 2013, ch. 427, § 3, eff from and after July 1, 2013.

CHAPTER 4.

ECONOMIC DEVELOPMENT HIGHWAY ACT

Sec.

65-4-5. Definitions.
65-4-15. Economic Development Highway Fund.
65-4-25. Resolution to issue general obligation bonds for Economic Development Highway Fund.
65-4-29. Terms of bonds; option to redeem; issuance and sale.
65-4-31. Interest rates.
65-4-33. Notice of sale.

§ 65-4-5. Definitions.

(1) The following words when used in this chapter shall have the meanings herein ascribed unless the context otherwise clearly requires:

(a) "Board" means the Mississippi Development Authority;

(b) "Department" means the Mississippi Department of Transportation;

(c) "High economic benefit project" means:

(i) Any new investment by a private company with capital investments in land, buildings, depreciable fixed assets and improvements of at least Seventy Million Dollars ($70,000,000.00);

(ii) Any new investment of at least Twenty Million Dollars ($20,000,000.00) by a private company having capital investments in this state in land, buildings, depreciable fixed assets and improvements of at least One Billion Dollars ($1,000,000,000.00) in the aggregate;

(iii) Public investment of at least One Hundred Million Dollars ($100,000,000.00) to take place over a specified period of time and in

accordance with a master plan duly adopted by the controlling political subdivision;

(iv) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) private companies upon land that is adjacent whenever the new investments of both companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by both private companies provide for the employment of at least five hundred (500) employees in the aggregate;

(v) Any project which would benefit from the construction of any highway bypass which would aid in economic development and would provide an alternate route to avoid an existing route which underpasses a railroad and which would aid in existing or proposed industry;

(vi) Any master planned community;

(vii) Any new investments in land, buildings, depreciable fixed assets and improvements by not more than three (3) private companies physically located within a one-half-mile radius of each other whenever the new investments of such companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by such companies provide for the employment of at least three hundred (300) new employees in the aggregate;

(viii) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) or more private companies upon lands originally adjacent, but now divided by a four-lane state highway and bordered by a two-lane state highway, and the new investments of the companies are at least Fifty Million Dollars ($50,000,000.00) in the aggregate, and a portion of such new investment will be utilized for the construction of a hospital;

(ix) [Repealed]

(x) Any project as defined in Section 57-75-5(f)(xxi); however, the term "high economic benefit project" does not include the construction of Mississippi Highway 348;

(xi) Any project as defined in Section 17-25-17;

(xii) Any project which would allow access to a national intermodal facility with a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) that is located within five (5) miles of the State of Mississippi and has direct access into an industrial park within the state;

(xiii) Any new investments in land, buildings and depreciable fixed assets and improvements by a private company of at least One Hundred Million Dollars ($100,000,000.00) over a specified period of time in accordance with a defined capital improvement project approved by the board;

(xiv) Any new investments in land, buildings, depreciable fixed assets and improvements of at least Fifteen Million Dollars ($15,000,000.00) by a private company to establish a private regional or national headquarters and such new investments provide for the employment of at least one

hundred (100) new employees in the aggregate over a five-year period with those new employees earning an annual average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified private regional or national headquarters is located, as determined by the Mississippi Department of Employment Security, whichever is less;

However, if the initial investments that a private company made in order to meet the definition of a high economic benefit project under this paragraph (c)(i) and in order to be approved for such project exceeded Fifty Million Dollars ($50,000,000.00), or if subsequent to being approved for the initial project the same company and/or one or more other private companies made additional capital investments exceeding Fifty Million Dollars ($50,000,000.00) in aggregate value in land, buildings, depreciable fixed assets and improvements physically attached to or forming a part of the initially planned site development, then an amount equal to fifty percent (50%) of all such investments that exceeds Fifty Million Dollars ($50,000,000.00) shall be subtracted from the Sixty Million Dollars ($60,000,000.00) in aggregate value of new investments required under this paragraph (c)(vii);

(d) "Political subdivision" means one or more counties or incorporated municipalities in the state, or a state-owned port located in a county bordering on the Gulf of Mexico;

(e) "Private company" means:

(i) Any agricultural, aquacultural, maricultural, processing, distribution, warehousing, manufacturing, transportation, tourism or research and development enterprise;

(ii) Any air transportation and maintenance facility, regional shopping mall, hospital, large hotel, resort or movie industry studio;

(iii) The federal government with respect to any specific project which meets the criteria established in paragraph (c)(i) of this subsection;

(iv) Any existing or proposed industry in regard to a project described in paragraph (c)(v) of this subsection;

(v) A developer with respect to any specific project which meets the criteria established in paragraph (c)(vi) of this subsection; or

(vi) A tourism project approved by the board;

(f) "Master planned community" shall have the same meaning as that term is defined in Section 19-5-10.

(2) The Mississippi Department of Transportation is hereby authorized to purchase rights-of-way and construct and maintain roads and highways authorized to be constructed pursuant to this chapter.

HISTORY: Laws, 1988, ch. 565, § 3; Laws, 1989, ch. 524, § 27; Laws, 1990, ch. 502, § 12; Laws, 1990, ch. 580, § 2; Laws, 1992, ch. 493, § 1; Laws, 1995, ch. 548, § 8; Laws, 1997, ch. 537, § 1; Laws, 1999, ch. 579, § 19; Laws, 2000, ch. 440, § 1; Laws, 2000, ch. 590, § 2; Laws, 2003, ch. 443, § 1; Laws, 2004, ch. 594, § 1; Laws,

2007, ch. 409, § 1; Laws, 2009, ch. 557, § 26; Laws, 2010, ch. 520, § 1; Laws, 2011, ch. 480, § 24; Laws, 2013, ch. 455, § 1; Laws, 2014, ch. 530, § 40, eff from and after July 1, 2014; Laws, 2020, ch. 451, § 1, eff from and after July 1, 2020.

Editor's Notes — Laws of 2014, ch. 530, § 47, provides:

"SECTION 47. Section 46 of this act shall take effect and be in force from and after January 1, 2014, Section 39 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2014."

Amendment Notes — The 2013 amendment deleted "This subparagraph (x) shall stand repealed from and after July 1, 2013" from the end of (1)(c)(x).

The 2014 amendment added (1)(c)(xiii).

The 2020 amendment added (1)(c)(xiv), and made related changes.

§ 65-4-15. Economic Development Highway Fund.

(1) There is hereby established a special fund in the State Treasury to be known as the "Economic Development Highway Fund" which shall consist of such monies as the Legislature shall appropriate thereto or such other monies as the Legislature may designate to be deposited therein. Any monies to the credit of such fund may be expended by the Mississippi Department of Transportation or political subdivision, as appropriate, upon approval of requisitions therefor by the Mississippi Development Authority for any expenses incurred by the Transportation Department or political subdivision in constructing and improving highways and highway segments which have been approved by the Mississippi Development Authority under the provisions of this chapter. From and after July 1, 2004, no monies to the credit of the fund may be expended for the construction and improvement of highways for high economic benefit projects that are being developed for the primary purpose of conducting retail sales unless the Mississippi Development Authority has received an application for the project prior to July 1, 2004; however, the primary purpose is not conducting retail sales if the project is a mixed-use development for which retail space is no more than twenty percent (20%) of the square footage of the development. With regard to a high economic benefit project as defined in Section 65-4-5(1)(c)(xiii) for which the Mississippi Development Authority approved and allocated monies in the fund before January 1, 2016, for constructing or improving a highway or highway segment related to the high economic benefit project, the Mississippi Development Authority may reallocate such monies from the original highway or highway segment purpose and allocate the funds for constructing or improving another highway or highway segment provided that such highway or highway segment is located within three (3) miles of the high economic benefit project for which the Mississippi Development Authority originally allocated and approved the monies. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon approval by the Mississippi Development Authority of requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering and providing engineering services to political subdivisions. Monies remaining unexpended to the credit of such special fund at the end of a fiscal year shall not lapse into

the State General Fund, and any interest earned on the investment of monies in the special fund shall be deposited to the credit of the fund.

(2) Monies in the Economic Development Highway Fund which are derived from proceeds of bonds issued under this chapter after July 1, 2003, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority for the administration of the various grant, loan and financial incentive programs administered by the authority. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the Mississippi Development Authority. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements to the Mississippi Development Authority under this subsection shall satisfy any applicable federal tax law requirements.

HISTORY: Laws, 1988, ch. 565, § 8; Laws, 1989, ch. 524, § 28; Laws, 1990, ch. 580, § 7; Laws, 1999, ch. 415, § 1; Laws, 2003, ch. 518, § 2; Laws, 2004, ch. 510, § 1, eff from and after passage (approved May 4, 2004.); Laws, 2018, ch. 452, § 16, eff from and after July 1, 2018; Laws, 2019, ch. 453, § 13, eff from and after July 1, 2019; Laws, 2020, ch. 451, § 2, eff from and after July 1, 2020.

Amendment Notes — The 2018 amendment added the fourth sentence of (1).

The 2019 amendment, in (2), in the first sentence, substituted "for the administration of the various grant, loan and financial incentive programs administered by the authority" for "in providing assistance to a political subdivision related to a project for which funding is provided from the use of proceeds of such bonds," in the second sentence, deleted "for each project" following "shall be maintained," in the third sentence, deleted "for a project" following "necessary costs" and "for such a project" at the end, and deleted the former next-to-last sentence, which read: "Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects."

The 2020 amendment in (1), added "however, the primary purpose...footage of the development" at the end of the third sentence.

§ 65-4-25. Resolution to issue general obligation bonds for Economic Development Highway Fund.

The Mississippi Development Authority, acting through its executive director, is authorized, at one time or from time to time, to declare by resolution the necessity for issuance of negotiable general obligation bonds of the State of Mississippi to provide funds for the Economic Development Highway Fund established in Section 65-4-15, Mississippi Code of 1972. Upon the adoption of a resolution by the Executive Director of the Mississippi Development Authority, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by Sections 65-4-25 through 65-4-45, Mississippi Code of 1972, the executive director shall deliver a certified copy of his resolution or resolutions to the State Bond Commission. Upon receipt of the resolution, the State Bond Commission, in its discretion, shall act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any

and all other things necessary and advisable in connection with the issuance and sale of such bonds. The principal amount of bonds issued under Sections 65-4-25 through 65-4-45, Mississippi Code of 1972, shall not exceed Three Hundred Eighty-four Million Five Hundred Thousand Dollars ($384,500,000.00) in the aggregate. However, an additional amount of bonds may be issued under Sections 65-4-25 through 65-4-45, Mississippi Code of 1972, in an amount not to exceed Seven Million Dollars ($7,000,000.00), and the proceeds of any such additional bonds issued shall be used to provide funding for a high economic benefit project as defined in Section 65-4-5(1)(c)(vi), Mississippi Code of 1972.

HISTORY: Laws, 1989, ch. 463, § 1; Laws, 1990, ch. 580, § 9; Laws, 1992, ch. 441, § 1; Laws, 1994, ch. 560, § 3; Laws, 1995, ch. 548, § 9; Laws, 1997, ch. 537, § 2; Laws, 1999, ch. 449, § 1; Laws, 1999, ch. 579, § 20; Laws, 2000, ch. 584, § 3; Laws, 2003, ch. 518, § 1; Laws, 2004, ch. 510, § 2; Laws, 2006, ch. 484, § 1; Laws, 2009, ch. 557, § 27; Laws, 2010, ch. 520, § 2; Laws, 2011, ch. 431, § 2; Laws, 2011, ch. 480, § 5; Laws, 2014, ch. 530, § 12, eff from and after July 1, 2014; Laws, 2019, ch. 421, § 7, eff from and after July 1, 2019; Laws, 2020, ch. 492, § 10, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2014, ch. 530, § 47, provides:

"SECTION 47. Section 46 of this act shall take effect and be in force from and after January 1, 2014, Section 39 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2014."

Amendment Notes — The 2014 amendment deleted the version effective until June 30, 2014; substituted "Three Hundred Sixty-seven Million Five Hundred Thousand Dollars ($367,500,000.00)" for "Three Hundred Fifty-seven Million Five Hundred Thousand Dollars ($357,500,000.00)" in the second to last sentence.

The 2019 amendment substituted "Three Hundred Seventy-seven Million Five Hundred Thousand Dollars ($377,500,000.00)" for "Three Hundred Sixty-seven Million Five Hundred Thousand Dollars ($367,500,000.00)" in the next-to-last sentence.

The 2020 amendment, effective July 9, 2020, substituted "Three Hundred Eighty-four Million Five Hundred Thousand Dollars ($384,500,000.00)" for "Three Hundred Seventy-seven Million Five Hundred Thousand Dollars ($377,500,000.00)."

§ 65-4-29. Terms of bonds; option to redeem; issuance and sale.

Such bonds as are authorized to be issued under Sections 65-4-25 through 65-4-45 may be executed and delivered by the state at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in fully registered form or in bearer form registrable either as to principal or interest, or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding twenty (20) years from the date thereof, may be payable at such place or places, whether within or without the State of Mississippi, may bear interest payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the State Bond Commission under which the bonds are authorized to be issued. Such bonds shall not bear a greater overall maximum interest rate to maturity than that authorized by

Section 75-17-101. If deemed advisable by the State Bond Commission, there may be retained in the proceedings under which any such bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and briefly recited or referred to on the face of the bonds, but nothing herein contained shall be construed to confer on the state any right or option to redeem any bonds, except as may be provided in the proceedings under which they shall be issued. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be in the best interest of the State of Mississippi. The state may pay all expenses, premiums and commissions which the State Bond Commission may deem necessary or advantageous in connection with the issuance thereof, but solely from the proceeds of the bonds. The issuance by the state of one or more series of bonds shall not preclude it from issuing other series of bonds, but the proceedings under which any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issuance of bonds.

HISTORY: Laws, 1989, ch. 463, § 3; Laws, 2009, ch. 557, § 28; Laws, 2011, ch. 431, § 3; Laws, 2014, ch. 530, § 13, eff from and after July 1, 2014.

Editor's Notes — Laws of 2014, ch. 530, § 47, provides:

"SECTION 47. Section 46 of this act shall take effect and be in force from and after January 1, 2014, Section 39 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2014."

Amendment Notes — The 2014 amendment deleted the version effective until June 30, 2014.

§ 65-4-31. Interest rates.

No bond issued under Sections 65-4-25 through 65-4-45 shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified on the bonds; and all bonds of the same maturity shall bear the same rate of interest from date to maturity. All interest accruing on bonds shall be payable semiannually or annually. If bonds are issued in coupon form, no interest payment shall be evidenced by more than one (1) coupon, and neither cancelled nor supplemental coupons shall be permitted. If serial bonds, such bonds shall mature annually, and the first maturity date thereof shall not be more than five (5) years from the date of such bonds.

HISTORY: Laws, 1989, ch. 463, § 4; Laws, 1997, ch. 394, § 2; Laws, 2009, ch. 557, § 29; Laws, 2011, ch. 431, § 4; Laws, 2014, ch. 530, § 14, eff from and after July 1, 2014.

Editor's Notes — Laws of 2014, ch. 530, § 47, provides:

"SECTION 47. Section 46 of this act shall take effect and be in force from and after January 1, 2014, Section 39 of this act shall take effect and be in force from and after

its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2014."

Amendment Notes — The 2014 amendment deleted the version effective from and after July 1, 2014.

§ 65-4-33. Notice of sale.

If the bonds issued under Sections 65-4-25 through 65-4-45 are to be sold on sealed bids at public sale, notice of the sale shall be published at least two (2) times, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson selected by the State Bond Commission.

HISTORY: Laws, 1989, ch. 463, § 5; Laws, 2009, ch. 557, § 30; Laws, 2011, ch. 431, § 5; Laws, 2014, ch. 530, § 15, eff from and after July 1, 2014.

Editor's Notes — Laws of 2014, ch. 530, § 47, provides:

"SECTION 47. Section 46 of this act shall take effect and be in force from and after January 1, 2014, Section 39 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2014."

Amendment Notes — The 2014 amendment deleted the version effective until June 30, 2014.

CHAPTER 7.

PUBLIC ROADS AND STREETS; PRIVATE WAY

Article 1. Public Roads and Streets. 65-7-1

ARTICLE 1.

PUBLIC ROADS AND STREETS.

General Provisions. 65-7-1
Mississippi Highway Patrol Fallen Officer's Memorial Highway Act. 65-7-151
Mississippi Congressional Medal of Honor Recipient's Memorial Highway Act. 65-7-171

GENERAL PROVISIONS

Sec.
65-7-95. Methods of construction and maintenance.
65-7-125. Mississippi Delta National Heritage Area authorized to erect signs and markers on public streets, roads, etc. within Heritage Area.

§ 65-7-3. Standard for working roads.

JUDICIAL DECISIONS

1. Nuisance abatement.

Circuit court erred in mandating that a county reasonably abate any nuisance because the board had no legal authority to do so, and the owner offered no other methods by which the board could address his concerns of "proper" usage of the road at issue. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-4. County road systems; official maps; register; hearings; additions, deletions, and changes.

JUDICIAL DECISIONS

1. Methods of acquiring roads.

Miss. Code Ann. §§ 65-7-4 and 65-7-57 deal specifically with express methods of acquiring a county road, and under the plain meaning of the statutes, they leave open other alternatives to acquiring county roads, such as prescription and dedication. Therefore, the Supreme Court of Mississippi agrees with the Court of Appeals of Mississippi that dedication still is an appropriate means of acquiring county roads. Favre v. Jourdan River Estates, 148 So. 3d 361, 2014 Miss. LEXIS 499 (Miss. 2014).

§ 65-7-4.1. Legislative intent.

JUDICIAL DECISIONS

1. In general.

Circuit court properly affirmed a county board of supervisors' decisions declining to abandon a road and declining to award damages to an owner because the road at issue was listed as public in the county road registry, it had been maintained by the public since the 1980s, and the owner's appeal was untimely. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-7. Road not to be obstructed.

JUDICIAL DECISIONS

1. Applicability.

Circuit court erred in mandating that a county reasonably abate any nuisance because the board had no legal authority to do so, and the owner offered no other methods by which the board could address his concerns of "proper" usage of the road at issue. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-43. Prevent damage and protect public roads.

JUDICIAL DECISIONS

1. In general.

Circuit court erred in mandating that a county reasonably abate any nuisance because the board had no legal authority to do so, and the owner offered no other methods by which the board could address his concerns of "proper" usage of the road at issue. Seyfarth v. Adams Cty. Bd. of

Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-45. Maximum loads of vehicles.

JUDICIAL DECISIONS

1. In general.

Circuit court erred in mandating that a county reasonably abate any nuisance because the board had no legal authority to do so, and the owner offered no other methods by which the board could address his concerns of "proper" usage of the road at issue. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-53. Use of roads while under construction.

JUDICIAL DECISIONS

1. Nuisance abatement Circuit court erred in mandating that a county reasonably abate any nuisance because the board had no legal authority to do so, and the owner offered no other methods by which the board could address his concerns of "proper" usage of the road at issue. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-57. Petition to have roads laid out or changed.

JUDICIAL DECISIONS

11. Miscellaneous.

Miss. Code Ann. §§ 65-7-4 and 65-7-57 deal specifically with express methods of acquiring a county road, and under the plain meaning of the statutes, they leave open other alternatives to acquiring county roads, such as prescription and dedication. Therefore, the Supreme Court of Mississippi agrees with the Court of Appeals of Mississippi that dedication still is an appropriate means of acquiring county roads. Favre v. Jourdan River Estates, 148 So. 3d 361, 2014 Miss. LEXIS 499 (Miss. 2014).

§ 65-7-61. Damages for taking land.

JUDICIAL DECISIONS

1. In general.

Circuit court properly affirmed a county board of supervisors' decisions declining to abandon a road and declining to award damages to an owner because the road at issue was listed as public in the county road registry, it had been maintained by the public since the 1980s, and the owner's appeal was untimely. Seyfarth v. Adams Cty. Bd. of Supervisors, 267 So. 3d 767, 2019 Miss. LEXIS 162 (Miss. 2019).

§ 65-7-95. Methods of construction and maintenance.

The methods of constructing, reconstructing and maintaining the public roads and bridges in this state, other than those under the actual charge of the State Highway Department, shall be as follows:

Any county may purchase implements and material through its central

purchase system; may employ labor; may work, construct, reconstruct and maintain the public roads; may build bridges; and may do any and all things necessary to be done to work, construct, reconstruct and maintain the public roads and to build bridges as herein provided. If, in the opinion of the board of supervisors, any part of the work necessary to be done in working, constructing, reconstructing and maintaining the public roads and in building bridges in such county, or any part or parts thereof, can best be done by awarding contracts therefor, the board of supervisors may advertise for bids and make contracts therefor in accordance with the provisions of Section 31-7-13; and the board of supervisors may, in its discretion, use any funds heretofore or hereafter raised by bond issue or otherwise for working, constructing, reconstructing, maintaining and improving the public roads and for building bridges as herein provided. Except for contracts exempt from the provisions of Section 19-11-27, no contract provided above shall be awarded that shall extend beyond thirty (30) days from the termination and end of the term of office of the members of the boards of supervisors awarding same.

Before any board of supervisors may hire, lease or rent any heavy road machinery or equipment for use in the construction, reconstruction or maintenance of any county road or bridge, such board of supervisors shall first adopt an order adjudicating the necessity for leasing or renting such machinery or equipment, the purposes for which it is to be used, the type of such machinery or equipment and the reasons why the leasing or renting thereof will promote the public interest of the county. Such order shall also direct the clerk of the board of supervisors to advertise for bids for such machinery or equipment, which bids shall be returnable on a day to be fixed by the board of supervisors, in accordance with Section 31-7-13.

All contracts for the leasing or renting of such machinery or equipment shall be awarded to the lowest and best responsible bidder whose bid price or rental consideration is not in excess of the current rates and charges fixed and prescribed by the Nielsen/Data Quest publication, which rates and charges fixed and prescribed by the Nielsen/Data Quest publication shall be on file with the Governor's Office of General Services at that time.

All invoices submitted for the leasing or renting of such machinery or equipment shall identify the equipment by number and name and shall include the number of hours of labor performed and the dates thereof.

HISTORY: Codes, 1930, § 6381; 1942, § 8330; Laws, 1928, ch. 156; Laws, 1932, ch. 196; Laws, 1962, ch. 260, § 1; Laws, 1980, ch. 440, § 25; Laws, 1988 Ex Sess, ch. 14, § 40, eff from and after October 1, 1989; Laws, 2019, ch. 475, § 3, eff from and after passage (approved April 16, 2019).

Amendment Notes — The 2019 amendment, effective April 16, 2019, in the last sentence of the second paragraph, added the exception at the beginning, and substituted "no contract provided above shall be awarded" for "In no event shall any contract provided above be awarded."

OPINIONS OF THE ATTORNEY GENERAL

With the sole exception of supervisors and contracts falling within the provisions of § 19-11-27, the prohibitions of §§ 19-11-27, 65-7-95 and 23-15-881 apply to supervisors who are unopposed in the primaries and general elections. Trapp, May 7, 1999, A.G. Op. #99-0220.

§ 65-7-121. Abandonment by board of supervisors of any section of county road system; hearing; notice; posting of signs; liability after abandonment; notice to railroad; easements.

JUDICIAL DECISIONS

1. In general.

Abandonment of a road, when it became effective, abrogated the county's easement for the road, and thus the property owners had a vested property right at the time of the reconsideration; constructive notice of the hearing to rescind the abandonment of the road was constitutionally insufficient under the peculiar facts of this case, and because the owners were not given adequate notice, the order rescinding the abandonment of the road through their property was void. Tippah Cty. v. LeRose, 283 So. 3d 149, 2019 Miss. LEXIS 353 (Miss. 2019).

Statute sets out four independent grounds for abandoning a public road, not four requirements as the residents suggested. Lowndes County v. McClanahan, 161 So. 3d 1091, 2014 Miss. App. LEXIS 228 (Miss. Ct. App. 2014), rev'd, 161 So. 3d 1052, 2015 Miss. LEXIS 193 (Miss. 2015).

§ 65-7-125. Mississippi Delta National Heritage Area authorized to erect signs and markers on public streets, roads, etc. within Heritage Area.

(1) The management entity of the Mississippi Delta National Heritage Area, upon direction of the Board of Directors of the Mississippi Delta National Heritage Area and in conjunction with the Mississippi Department of Transportation, is authorized to erect appropriate signs and markers along public streets, roads, highways and interstates within the Mississippi Delta National Heritage Area.

(2) The funding for the signs and markers and the erection of the signs and markers shall be made from any funds available to the Board of Directors of the Mississippi Delta National Heritage Area or from any gifts, grants or donations received by the board of directors for the purpose of providing the signs and markers.

HISTORY: Laws, 2017, ch. 311, § 1, eff from and after July 1, 2017.

MISSISSIPPI HIGHWAY PATROL FALLEN OFFICER'S MEMORIAL HIGHWAY ACT

Sec.
65-7-151. Short title.

Sec.
65-7-153. Designation of public street, road, highway or interstate upon which Highway Safety Patrol officer was killed in the line of duty as memorial roadway.

§ 65-7-151. Short title.

Sections 65-7-151 and 65-7-153 shall be known and may be cited as the "Mississippi Highway Patrol Fallen Officer's Memorial Highway Act."

HISTORY: Laws, 2013, ch. 342, § 1, eff from and after July 1, 2013.

§ 65-7-153. Designation of public street, road, highway or interstate upon which Highway Safety Patrol officer was killed in the line of duty as memorial roadway.

(1) The Mississippi Highway Safety Patrol within the Department of Public Safety, in conjunction with the Mississippi Department of Transportation, is authorized to designate any segment of any public street, road, highway or interstate within the state upon which any member of the Mississippi Highway Safety Patrol has fallen in the line of duty as a memorial roadway in such officer's honor, provided that such memorial roadway shall not extend more than five (5) miles in each southern and northern or eastern and western direction of the location in which the fallen member of the Mississippi Highway Safety Patrol fell.

(2) The Department of Public Safety shall notify the Mississippi Department of Transportation of the site of such officer who was killed in the performance of his or her official duties, and the Mississippi Department of Transportation shall erect and maintain appropriate signs with a distinctive marker along and approaching the segment of roadway denoting the site of the fallen officer's death. The distinctive marker shall be designed by the Department of Public Safety with the advice and recommendation of the Mississippi State Troopers' Association.

(3) The funding for the distinctive markers shall be made from any funds appropriated by the Legislature to the Department of Public Safety or from any gifts, grants or donations received by the Department of Public Safety for the purpose of providing the distinctive markers.

(4) This section shall apply to all Mississippi Highway Safety Patrol officers who have given their lives in the performance of their official duties after July 1, 1938.

HISTORY: Laws, 2013, ch. 342, § 2, eff from and after July 1, 2013.

Cross References — Certain restrictions on designations for highways, roads, streets and bridges inapplicable to this section, see § 65-3-38.1.

MISSISSIPPI CONGRESSIONAL MEDAL OF HONOR RECIPIENT'S MEMORIAL HIGHWAY ACT

Sec.
65-7-171. Short title.

Sec.
65-7-173. Placement and maintenance of signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient".

§ 65-7-171. Short title.

Sections 65-7-171 and 65-7-173 shall be known and may be cited as the "Mississippi Congressional Medal of Honor Recipient's Memorial Highway Act."

HISTORY: Laws, 2013, ch. 346, § 1, eff from and after July 1, 2013.

§ 65-7-173. Placement and maintenance of signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient."

On any segment of any public street, road, highway or interstate within the state that is named after a person who was awarded a Congressional Medal of Honor, the Department of Transportation shall erect and maintain the signs designating the memorial highway with the words "Congressional Medal of Honor Recipient." Any such signs that do not contain those words shall be replaced by new signs to comply with Sections 65-7-171 and 65-7-173. Sections 65-7-171 and 65-7-173 shall also apply to bridges or intersections that are part of a public street, road, highway or interstate within this state.

HISTORY: Laws, 2013, ch. 346, § 2, eff from and after July 1, 2013.

ARTICLE 3.

PRIVATE WAY.

§ 65-7-201. Private way established.

JUDICIAL DECISIONS

ANALYSIS

0.5. Constitutionality.
1. In general.
2. Location of private road.
3. Res judicata
4. Collateral estoppel

0.5. Constitutionality.

Special court of eminent domain erred as a matter of law when it granted a petition for private road access because the Mississippi Constitution provided that such rights-of-way were not permissible in incorporated cities and towns. The right to seek dismissal under the Mississippi Constitution was not waived because the statutory grounds for such were not satisfied where a private road was requested, rather than a public taking; moreover, public necessity or public use did not have to be shown. High v. Kuhn, 191 So. 3d 113, 2016 Miss. LEXIS 121 (Miss. 2016).

1. In general.

Special court of eminent domain erred in denying an owner's request for attor-

ney's fees and expenses because the neighbors clearly invoked the statutory procedures of the special court of eminent domain when they petitioned to condemn the owner's property for a private road and the state constitution clearly prohibited the Legislature from creating the statutory right to condemn for a private road property within an incorporated city or town. High v. Kuhn, 240 So. 3d 1198, 2017 Miss. LEXIS 455 (Miss. 2017).

Trial court properly denied the owners' action for an easement by necessity across the neighbors' property because the easement was merely a convenience, not a real necessity, where boat access was suitable for access to the property and, while the property was surrounded on three sides by water and the neighbors' property on the east, the owners only utilized the property in the summer months for recreational purposes, there was a public boat lunch within 200 yards of a sandbar and dock area, there were no utilities to the site, and it was not a place suitable for building a home. Davidson v. Collins, 195 So. 3d 825, 2015 Miss. App. LEXIS 633 (Miss. Ct. App. 2015), cert. denied, 209 So. 3d 429, 2016 Miss. LEXIS 300 (Miss. 2016).

2. Location of private road.

Judgment granting a timber company a private road easement over private property was proper because the timber company established that its need for the road to access its landlocked property was more than mere convenience as the private road would provide the only feasible way to get to a public highway. May v. Adirondack Timber I, LLC, 129 So. 3d 219, 2013 Miss. App. LEXIS 433 (Miss. Ct. App. 2013).

3. Res judicata

Res judicata did not bar a property owner's petition for a private road because the petition involved different underlying facts and circumstances than the owner's prior lawsuits, and so there was no identity of the cause of action; the owner's prior common-law claims focused on historical ownership of the land, and because a neighbor's land completely surrounded the owner's land, the owner's petition for a private road could be decided based on present property lines and circumstances. McCarty v. Wood, 249 So. 3d 425, 2018 Miss. App. LEXIS 34 (Miss. Ct. App.), cert. denied, 246 So. 3d 72, 2018 Miss. LEXIS 333 (Miss. 2018).

Res judicata did not bar a property owner's petition for a private road because a statutory petition for a private road could not have been brought in either of the owner's prior lawsuits or combined with the common-law claims asserted in those lawsuits; based on the plain language of the statute, the owner could not have brought a petition for a private road in the prior actions in chancery court or circuit court because such petition had to be filed in the special court of eminent domain. McCarty v. Wood, 249 So. 3d 425, 2018 Miss. App. LEXIS 34 (Miss. Ct. App.), cert. denied, 246 So. 3d 72, 2018 Miss. LEXIS 333 (Miss. 2018).

Res judicata did not bar a property owner's statutory petition for a private road because the owner could not have combined his prior common-law claims with a statutory petition for a private road in the special court of eminent domain since the special court of eminent domain lacked jurisdiction over such claims. McCarty v. Wood, 249 So. 3d 425, 2018 Miss. App. LEXIS 34 (Miss. Ct. App.), cert. denied, 246 So. 3d 72, 2018 Miss. LEXIS 333 (Miss. 2018).

Landowner is not required to plead alternative common-law claims in the same proceeding as a statutory claim for a private road under the statute; such claims may be pursued in separate proceedings. McCarty v. Wood, 249 So. 3d 425, 2018 Miss. App. LEXIS 34 (Miss. Ct. App.), cert. denied, 246 So. 3d 72, 2018 Miss. LEXIS 333 (Miss. 2018).

4. Collateral estoppel

Collateral estoppel did not bar a property owner's statutory petition for a private road because although the chancery court dismissed owner's prior complaint for an easement with prejudice, the record did not show that the chancery court actually decided that an easement was not "necessary." McCarty v. Wood, 249 So. 3d 425, 2018 Miss. App. LEXIS 34 (Miss. Ct. App.), cert. denied, 246 So. 3d 72, 2018 Miss. LEXIS 333 (Miss. 2018).

CHAPTER 9.
STATE AID ROADS IN COUNTIES

Sec.
65-9-29. Allocation and matching of certain federal road construction funds.
65-9-35. Utilization of available federal and state funds to reconstruct certain portions of Mississippi Highway 407 in Attala County, Mississippi, authorized.

§ 65-9-29. Allocation and matching of certain federal road construction funds.

(1) Federal aid secondary funds allocated to Mississippi and to be expended on the federal aid secondary system roads shall be expended as follows:

(a) Effective only upon the passage of an act of the Legislature providing state aid funds, federal aid secondary funds allocated to Mississippi and to be expended on the federal aid secondary system shall be divided between the Mississippi Department of Transportation and the several counties, so that fifty percent (50%) will be matched by the Mississippi Department of Transportation and expended on the federal aid secondary system roads on the state highway system, and fifty percent (50%) matched by the counties with state aid funds and expended on the federal aid secondary roads of the state aid road system.

(b) Such division will be made upon allocation by the Administrator of the Federal Highway Administration after the Department of Transportation provides for the matching of the percent of such allotment as covered by federal act and available for financing in part the Mississippi Department of Transportation's Division of Highway Planning. The expenditure of all federal aid secondary funds shall be through and under the Department of Transportation, subject to and in accordance with all rules and regulations and applicable laws of the federal government.

(c) The amount of funds allocated to each county for use on State Aid System roads shall be apportioned among the counties of this state by the Mississippi Transportation Commission subject to and in accordance with applicable federal law, rules and regulations, and limited to such counties as recommended by the State Aid Engineer. The Mississippi Transportation Commission is authorized to finance from its own funds the preliminary surveys, engineering and plans for all work involving funds expended on federal aid secondary projects on the state aid road system, and the rights-of-way required for state aid system roads constructed with federal aid secondary funds shall be provided by the county receiving such aid from its funds other than state aid funds. The Mississippi Transportation Commission shall program federal aid secondary funds made available to the counties under this act on such projects and limited to such counties as recommended by the State Aid Engineer.

(2) Federal "safer off-system" funds, and/or any other available federal road funds, except the federal aid secondary funds hereinabove provided for

separately, allocated to Mississippi and to be expended on county roads, but not on the designated state highway system, shall be expended as follows:

(a) Federal "safer off-system" funds and/or any such other available federal road funds shall be matched with available state aid funds and expended on such county roads.

(b) The expenditure of such federal "safer off-system" funds and all such other available federal road funds shall be through and under the Mississippi Department of Transportation, subject to, and in accordance with, all rules and regulations and applicable laws of the federal government.

(c) The amount of such federal "safer off-system" funds and/or all such other available federal road funds allocated to each county for use on such county roads shall be apportioned among the counties of this state by the Mississippi Transportation Commission in accordance with the formula in the manner provided in Section 65-9-3, Mississippi Code of 1972. The Mississippi Transportation Commission will program such federal "safer off-system" funds and all such other available federal road funds made available to the counties on such projects and limited to such counties as recommended by the State Aid Engineer.

(3) Federal aid off-system highway funds allocated to Mississippi, (except federal aid secondary funds and federal "safer off-system" funds provided for separately in subsections (1) and (2) of this section), including federal bridge replacement funds and other special grants made available for expenditure of county roads, shall be expended as follows:

(a) Federal aid off-system highway funds expended on state aid roads shall be matched with available state aid funds and/or other available local funds, or as otherwise provided in Section 65-1-70, Mississippi Code of 1972.

(b) Federal aid off-system highway funds available for expenditure on roads not on the state aid system and not eligible for inclusion on the state aid system shall be matched with available local funds, or as otherwise provided in Section 65-9-17 or Section 65-1-70, Mississippi Code of 1972.

(c) The expenditure of all federal off-system highway funds on county roads shall be programmed by the Mississippi Transportation Commission, subject to and in accordance with applicable federal law, rules and regulations, and limited to such county projects as recommended by the State Aid Engineer. The State Aid Engineer is authorized to assign state aid personnel to administer off-system construction projects and other special federal aid program requirements in the same manner and under the same provisions and conditions as other projects authorized under this chapter.

HISTORY: Codes, 1942, § 8035-10; Laws, 1949, Ex. Sess. ch. 6 § 9(¶¶ 5 and 6); Laws, 1952, ch. 286, § 2(¶¶ 5-7); Laws, 1955, Ex. Sess. ch. 67 (¶¶ 5-7); Laws, 1958, chs. 367, § 3(¶¶ 5-7), 368; Laws, 1962, ch. 449, § 1(¶¶ 6-8); Laws, 1963, 1st Ex. Sess. ch. 20, § 1(¶¶ 6-8); Laws, 1974, ch. 481, § 1; Laws, 1978, ch. 516, § 1; Laws, 1989, ch. 414, § 1; Laws, 2015, ch. 374, § 2, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment substituted "Mississippi Department of Transportation" for "State Highway Department," "Mississippi Transportation Commission" for "State Highway Commission" or "highway commission" throughout the

section; in (1)(c), substituted "shall be" for "will be" twice and substituted "subject to and in accordance with applicable federal law, rules and regulations, and limited to such counties as recommended by the State Aid Engineer" for "in accordance with the formula in the manner provided in Section 65-9-3, Mississippi Code of 1972"; and made minor stylistic changes throughout.

§ 65-9-35. Utilization of available federal and state funds to reconstruct certain portions of Mississippi Highway 407 in Attala County, Mississippi, authorized.

In addition to any authority granted to the Division of State Aid Road Construction in Chapter 9, Title 65, Mississippi Code of 1972, and notwithstanding any general prohibition contained therein with respect to the administration by the division of certain federal funds on designated state highways, the division is authorized and empowered to administer a project utilizing available federal and state funds to reconstruct that portion of designated Mississippi Highway 407 in Attala County, Mississippi, that spans Tibby Creek in Section 25, Township 16 North, Range 9 East, jurisdiction for the maintenance of which is, on April 17, 2017, vested in Attala County.

HISTORY: Laws, 2017, ch. 430, § 13, eff from and after passage (approved Apr. 17, 2017).

Editor's Notes — Laws of 2017, ch. 430, § 14, provides:
"SECTION 14. Sections 1 through 12 of this act shall take effect and be in force from and after July 1, 2017. Section 13 of this act shall take effect and be in force from and after its passage [approved April 17, 2017]."

CHAPTER 17.

COUNTY ROAD OFFICIALS

Article 1. County Road Commissioner. 65-17-1

ARTICLE 1.

COUNTY ROAD COMMISSIONER.

Sec.
65-17-9. Authority to transfer surplus county road department equipment to another department of county government without reimbursement to road and bridge fund.

§ 65-17-9. Authority to transfer surplus county road department equipment to another department of county government without reimbursement to road and bridge fund.

Upon a determination by the board of supervisors that (a) equipment of the county road department has ceased to be used for purposes of the road

department; and (b) such equipment has been owned by the road department for at least three (3) years; and (c) such equipment may be of use or benefit to another department of county government; and (d) the transfer of the equipment to another department of county government would promote the best interest of county government; and (e) upon the unanimous approval of the board of supervisors, such surplus equipment may be transferred to any other department of county government without the necessity of reimbursement to the road and bridge fund.

HISTORY: Laws, 2018, ch. 334, § 1, eff from and after passage (approved March 8, 2018).

CHAPTER 18.

LOCAL SYSTEM ROAD PROGRAM

Sec.
65-18-7. Program administered by State Aid Engineer; powers and duties of State Aid Engineer.

§ 65-18-7. Program administered by State Aid Engineer; powers and duties of State Aid Engineer.

The Local System Road Program shall be administered by the State Aid Engineer. In administering the program, the State Aid Engineer shall have the following powers and duties:

(a) To supervise the use of all funds made available for the purposes of this chapter for use on local system roads in the State of Mississippi;

(b) To allocate to each county that county's share of all monies made available under the provisions of this chapter but only when the county has complied with the provisions of this chapter and only when the county is eligible for the allocation of monies under the Local System Road Program;

(c) To keep and compile records of all expenditures on local system roads to which money is disbursed under the provisions of this chapter, which records must be kept separate and apart from other state aid records;

(d) To approve the construction of local system roads, including roadbeds, grades and drainage, before authorizing the release of funds under this chapter;

(e) To establish such rules and regulations as the State Aid Engineer determines as necessary to implement the provisions of the Local System Road Program; and

(f) To report to the Legislature, no later than January 1 of each year, on the Local System Road Program. Such report shall include what projects were approved and constructed, the number of miles constructed or improved and the cost per mile for such construction and improvement.

HISTORY: Laws, 2001, ch. 492, § 4, eff from and after July 1, 2001.

Editor's Notes — Set out to correct an error in the 2012 Replacement Volume.

CHAPTER 21.

BRIDGES; GENERAL PROVISIONS

Sec.

65-21-31. Written directive from Department of Transportation to close bridge under jurisdiction of political subdivision or municipality to prevent loss of federal transportation funding to state; retention of jurisdiction by political subdivision or municipality; duration of bridge closure; failure of political subdivision or municipality to comply with directive.

§ 65-21-1. Width of bridges and culverts.

JUDICIAL DECISIONS

1. In general.

Mississippi Department of Transportation (MDOT) was not immune in a wrongful death claim alleging that a failure to place warning signs around a highway culvert, as required by Miss. Code Ann. § 65-21-1, resulted in an auto accident that caused the decedent's death because § 65-21-1 imposed a ministerial duty, and, as Miss. Code Ann. § 63-3-301 and Miss. Code Ann. § 63-3-303 included no language suggesting abrogation or repeal of § 65-21-1, that section-narrowly, precisely, and specifically requiring warning posts around culverts-remained in effect as an exception to the general rule of § 63-3-303 that the MDOT had discretion over such placement; Miss. Code Ann. § 65-21-1 controlled the specific issue of guide and warning posts around culverts, and § 63-3-303 controlled the discretionary placement of traffic devices that were not the subject of a specific statutory mandate. Miss. DOT v. Nosef, 110 So. 3d 317, 2013 Miss. LEXIS 143 (Miss. 2013).

§ 65-21-31. Written directive from Department of Transportation to close bridge under jurisdiction of political subdivision or municipality to prevent loss of federal transportation funding to state; retention of jurisdiction by political subdivision or municipality; duration of bridge closure; failure of political subdivision or municipality to comply with directive.

When any governing board of a political subdivision of the state or the governing board of a municipality must physically close a bridge or bridges under its jurisdiction in order for the state, a political subdivision of the state and/or a municipality of the state to receive or continue to receive federal transportation funding, the Mississippi Department of Transportation shall direct by written notice such governing board to physically close the bridge or bridges within sixty (60) days of the receipt of such notice. The governing board shall retain jurisdiction of such bridge or bridges and is responsible for all costs associated with the closed bridge or bridges, including closure and maintenance costs. Any such bridge or bridges shall remain closed until the bridge is able to be reopened in a condition that does not reduce the amount that the state, a political subdivision of the state and/or a municipality of the state shall receive or continue to receive in federal transportation funding. Any political

subdivision of the state or municipality of the state whose governing board fails to comply with the directive provided under this section shall not be eligible for funding provided under Section 27-67-35 and shall remain ineligible until the governing board is in compliance with such directive.

HISTORY: Laws, 2018, 1st Ex Sess, ch. 1, § 4, eff from and after passage (approved August 29, 2018).

Editor's Notes — Laws of 2018, 1st Extraordinary Session, ch. 1, §§ 14 and 15, effective from and after August 29, 2018, provide:

"SECTION 14. This act shall be known and may be cited as the Mississippi Infrastructure Modernization Act of 2018.

"SECTION 15. Sections 5 and 6 of this act shall take effect and be in force from and after October 1, 2018, the remainder of this act shall take effect and be in force from and after its passage."

CHAPTER 37.

LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Sec.

65-37-7. Eligibility of counties for expenditure of funds; conditions; forfeiture of funds under certain circumstances; reallocation of forfeited monies; written notice preceding forfeiture.

65-37-13. Local System Bridge Replacement and Rehabilitation Fund; appropriations; expenditures; crediting of monies to counties in advance of normal accrual.

65-37-15. Use of funds once bridges repaired; payment of bonds, notes, and obligations.

§ 65-37-7. Eligibility of counties for expenditure of funds; conditions; forfeiture of funds under certain circumstances; reallocation of forfeited monies; written notice preceding forfeiture.

(1) In order for a county to be eligible for the expenditure of funds under the provisions of Sections 65-37-1 through 65-37-15, the board of supervisors of the county shall meet the following conditions:

(a) On or before January 1, 1995, and on or before January 1 of each year thereafter, the board of supervisors shall present to the State Aid Engineer on a form to be prepared by the State Aid Engineer, a four-year plan of bridge replacement and rehabilitation for the county. The plan shall identify the project or projects and shall contain a detailed plan prepared and approved by the engineer for the county. The plan shall specify the condition of the existing bridges included in the project, the drainage requirements, the type of replacement or rehabilitation to be made and the design and specifications therefor. Four-year plans may be modified each year or more often as necessary provided that the modifications are submitted to the State Aid Engineer.

(b) The county shall agree to employ a qualified engineer and such other technical experts as may be necessary to perform all engineering services required for the projects. The engineer shall be required to inspect the construction of the projects and to approve all estimate payments made on the projects.

(c) The county and municipalities shall agree to construct, at their own expense, the base and surface of all approaches providing necessary connections to each bridge project within their respective jurisdictions, including the base and surface for culvert projects whenever fill material is placed as part of the contract.

(d) The county and municipalities shall agree to acquire all rights-of-way and relocate or make adjustments to public utilities for each bridge project within their respective jurisdictions as may be necessary in the manner provided by law for the acquisition of rights-of-way and the uniform policy for accommodation of utility facilities within the rights-of-way of state aid roads as adopted by the State Aid Engineer under authority of Section 65-9-1 et seq. Rights-of-way may be acquired by gift, purchase, deed, dedication or eminent domain. The only costs that may be paid from funds provided under Sections 65-37-1 through 65-37-15 for right-of-way acquisition shall be the actual cost paid by the county to the landowner for the land acquired as certified to the State Aid Engineer by the attorney for the board of supervisors. The only cost that may be paid from funds provided under Sections 65-37-1 through 65-37-15 for utility adjustments shall be the actual cost paid by the county for utility adjustments pursuant to contract let by the county as certified to the State Aid Engineer by order of the board of supervisors.

(2) A county shall not be eligible for the expenditure of monies allocated to it under Sections 65-37-1 through 65-37-15 and the State Aid Engineer shall not certify the use or expenditure of such monies on any bridge that has a sufficiency rating of greater than fifty (50), as determined by National Bridge Inspection standards, unless the State Aid Engineer certifies that all bridges on the local road system within the county for which funds may be made available under Sections 65-37-1 through 65-37-15 have a sufficiency rating of greater than fifty (50) or that all such bridges in the county with a sufficiency rating of less than fifty (50) are currently under contract for replacement or rehabilitation. When the State Aid Engineer certifies that all such bridges of a county have a sufficiency rating of greater than fifty (50) or that all such bridges within the county with a sufficiency rating of fifty (50) or less are currently under contract for replacement or rehabilitation, then that county shall be eligible for the expenditure of funds allocated to it under Sections 65-37-1 through 65-37-15 for:

(a) The maintenance and replacement of other drainage related structures in accordance with designs and standards prescribed for such projects by the Office of State Aid Road Construction;

(b) The Local System Road Program established pursuant to Sections 65-18-1 through 65-18-17; and

(c) The matching of federal funds for expenditure on state aid roads and bridge replacement in accordance with Section 65-9-29.

(3)(a) Except as otherwise provided in paragraph (d) of this subsection (3), when a county has failed to expend the monies allocated to it under the Local System Bridge Replacement and Rehabilitation Program, as described in Sections 65-37-1 through 65-37-15, for an uninterrupted period of two (2) successive fiscal years, the county shall forfeit and no longer be entitled to the outstanding cumulative balance on hand of the monies that were allocated to it under the program before that period of time.

(b) The county is eligible to receive funds allocated to it in fiscal years occurring after that period of time that caused a forfeiture under the provisions of paragraph (a) of this subsection (3), unless it so forfeits monies again under that provision.

(c) Monies forfeited each fiscal year under the provisions of this subsection (3) shall be reallocated annually among only those counties that are determined by the State Aid Engineer to have Local System Bridge Replacement and Rehabilitation Program projects that are ready for construction but are not being undertaken due to lack of funds.

(d) Before a forfeiture of funds may occur under the provisions of paragraph (a) of this subsection (3), the State Aid Engineer shall give written notice to the board of supervisors of the county at least ninety (90) days before the forfeiture, and for good cause shown, he may allow the county an additional twelve (12) months to expend the funds subject to the forfeiture.

HISTORY: Laws, 1994, ch. 557, § 6; Laws, 1999, ch. 549, § 1; Laws, 2001, ch. 492, § 12; Laws, 2008, ch. 453, § 1; Laws, 2009, ch. 381, § 1; Laws, 2015, ch. 374, § 1, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment added (2)(c); substituted "have Local System Bridge Replacement and Rehabilitation Program projects that are ready for construction but are not being undertaken due to lack of funds" for "be eligible for the monies during that fiscal year, with each eligible county receiving an equal amount of the reallocated funds" at the end of (3)(c); and made minor stylistic changes.

§ 65-37-13. Local System Bridge Replacement and Rehabilitation Fund; appropriations; expenditures; crediting of monies to counties in advance of normal accrual.

(1) There is created in the State Treasury a special fund to be designated as the "Local System Bridge Replacement and Rehabilitation Fund." The fund shall consist of monies that the Legislature appropriates under subsection (2) of this section, the proceeds of bonds issued under Section 10 of Chapter 557, Laws of 2009, and any other monies that the Legislature may designate for deposit into the fund. Monies in the fund may be expended upon legislative appropriation in accordance with the provisions of Sections 65-37-1 through 65-37-15.

(2)(a) During each regular legislative session held in calendar years 1995, 1996, 1997 and 1998, if the official General Fund revenue estimate for the

succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of three percent (3%) or more for that succeeding fiscal year, then the Legislature shall appropriate Twenty-five Million Dollars ($25,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(b) During the regular legislative session held in calendar year 1999, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Ten Million Dollars ($10,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(c) Except as otherwise provided in this paragraph (c), during each regular legislative session held in calendar years 2001 through 2017, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Twenty Million Dollars ($20,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund. However, during the regular legislative sessions held in calendar years 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015 and 2016 the Legislature shall not be required to appropriate funds for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(3) Monies that are deposited into the fund under the provisions of this section may be expended upon requisition therefor by the State Aid Engineer in accordance with the provisions of Sections 65-37-1 through 65-37-15. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering the provisions of the Local System Bridge Replacement and Rehabilitation Program. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund.

(4) Monies in the Local System Bridge Replacement and Rehabilitation Fund shall be allocated and become available for distribution to counties in accordance with the formula prescribed in Section 65-37-3 beginning January 1, 1995, on a project-by-project basis. Monies in the Local System Bridge Replacement and Rehabilitation Fund may not be used or expended for any purpose except as authorized under Sections 65-37-1 through 65-37-15.

(5) Monies in the Local System Bridge Replacement and Rehabilitation Fund may be credited to a county in advance of the normal accrual to finance certain projects, subject to the approval of the State Aid Engineer and subject further to the following limitations:

(a) That the maximum amount of such monies that may be advanced to any county shall not exceed ninety percent (90%) of the funds estimated to

accrue to such county during the remainder of the term of office of the board of supervisors of such county;

(b) That no advance credit of funds will be made to any county when the unobligated balance in the Local System Bridge Replacement and Rehabilitation Fund is less than One Million Dollars ($1,000,000.00); and

(c) That such advance crediting of funds be effected by the State Aid Engineer at the time of the approval of the plans and specifications for the proposed projects.

It is the intent of this provision to utilize to the fullest practicable extent the balance of monies in the Local System Bridge Replacement and Rehabilitation Fund on hand at all times.

HISTORY: Laws, 1994, ch. 557, § 10; Laws, 1999, ch. 415, § 2; Laws, 1999, ch. 549, § 2; Laws, 2000, ch. 574, § 8; Laws, 2003, ch. 469, § 17; Laws, 2004, 3rd Ex Sess, ch. 1, § 135; Laws, 2006, ch. 559, § 17; Laws, 2007, ch. 580, § 14; Laws, 2008, ch. 504, § 2; Laws, 2008, ch. 507, § 13; Laws, 2009, ch. 381, § 3; Laws, 2009, ch. 557, § 11; Laws, 2009, ch. 563, § 10; Laws, 2010, ch. 520, § 5; Laws, 2010, ch. 562, § 10; Laws, 2014, ch. 534, § 3; Laws, 2015, ch. 471, § 16; Laws, 2016, ch. 460, § 6, eff from and after July 1, 2016.

Editor's Notes — Laws of 2014, ch. 534, § 10, provides:

"SECTION 10. This act shall take effect and be in force from and after July 1, 2014; however, Sections 4 through 8 of this act shall take effect and be in force from and after the passage of this act."

Laws of 2016, ch. 460, § 11, provides:

"SECTION 11. This act shall take effect and be in force from and after July 1, 2016, except for Sections 1, 8, 9 and 10, which shall take effect and be in force from and after the passage of this act [approved May 9, 2016]."

Amendment Notes — The 2014 amendment deleted "this chapter" following "accordance with the provisions of" near the end in (1); substituted a comma for "and" and inserted "and 2014" following "2011" in the last sentence in (2)(c); and substituted "Sections 65-37-1 through 65-37-15" for "this chapter" at the end in (4).

The 2015 amendment inserted "and 2015" in the second sentence of (2)(c).

The 2016 amendment, in (2)(c), substituted "2001 through 2017" for "2001 through 2016" in the first sentence and inserted "and 2016" in the second sentence and made related stylistic changes.

Cross References — Portion of the total use tax revenue collected under the provisions of §§ 27-61-1 through 27-61-35 to be deposited into the Local System Bridge Replacement and Rehabilitation Fund created under this section, see § 27-67-31.

§ 65-37-15. Use of funds once bridges repaired; payment of bonds, notes, and obligations.

Notwithstanding any other provisions of this chapter, when all deficient bridges of a county which have a sufficiency rating of less than fifty (50) have been replaced or are under contract for replacement or rehabilitation, then monies in the Local System Bridge Replacement and Rehabilitation Fund created under Section 65-37-13, that are allocated to a particular county may be expended for (a) the purpose of paying the principal, interest and debt service on any bonds, notes or obligations issued or incurred by that county before the effective date of this chapter for the purpose of replacing or

rehabilitating any bridge or drainage-related structure on any highway, road or street under the jurisdiction of that county, (b) on bridges in the State Aid Road System, or (c) if bridges in the State Aid Road System of that county are in sufficient repair, such monies may be utilized for the repair of roads on the State Aid Road System or local system roads, upon presentation to the State Aid Engineer of a resolution duly adopted and entered on the minutes of the board of supervisors of such county requesting such expenditure and reciting in the resolution such information as may be necessary for the State Aid Engineer to determine that the county is eligible for expenditure of funds under the provisions of this section.

HISTORY: Laws, 1994, ch. 557, § 11, eff from and July 1, 1994; Laws, 2018, 1st Ex Sess, ch. 1, § 3, eff from and after passage (approved August 29, 2018).

Editor's Notes — Laws of 2018, 1st Extraordinary Session, ch. 1, §§ 14 and 15, effective from and after August 29, 2018, provide:

"SECTION 14. This act shall be known and may be cited as the Mississippi Infrastructure Modernization Act of 2018.

"SECTION 15. Sections 5 and 6 of this act shall take effect and be in force from and after October 1, 2018, the remainder of this act shall take effect and be in force from and after its passage."

Amendment Notes — The 2018 1st Extraordinary Session amendment, effective August 29, 2018, inserted the designator "(a)" following "may be expended for" and inserted "(b) on bridges in the State Aid Road System...or local system roads."

CHAPTER 41.

MISSISSIPPI SCENIC BYWAYS

Article 3. Designations of Official Mississippi Scenic Byways. 65-41-51

ARTICLE 3.

DESIGNATIONS OF OFFICIAL MISSISSIPPI SCENIC BYWAYS.

Sec.
65-41-67. "Noxubee Hills Route" Scenic Byway designated.
65-41-69. "Delta Bluffs Scenic Byway" designated.
65-41-71. "Gateway to History" scenic byway designated.
65-41-73. "William Faulkner Scenic Byway" designated.
65-41-75. "Gulf Coast Scenic Byway" designated.

§ 65-41-67. "Noxubee Hills Route" Scenic Byway designated.

The following highways and roads located in Choctaw, Winston and Noxubee Counties in Mississippi are hereby designated as an official Mississippi Scenic Byway to be known as the "Noxubee Hills Route" pursuant to Section 65-41-1 et seq.:

The Noxubee Hills Route begins at the intersection of the Choctaw Lake Road with Mississippi Highway 15 in the SE ¼, S4, T16N, R1lE, Choctaw

County, Mississippi, and runs in an easterly and northeasterly direction along the said Choctaw Lake Road to cross the dam of Choctaw Lake, located in the Tombigbee National Forest, to the intersection with the Webster Road in the Northeast ¼, of S2, T16N, R11E, Choctaw County. Thence, the route runs in an easterly direction along the Choctaw Lake Road to intersect the Choctaw/Winston County line near the Northwest corner of S6, T16N, R12E, in Winston County where the route becomes known as the Gumbranch-Ackerman Road in Winston County. Thence, the route runs in a southeasterly direction along the Gumbranch-Ackerman Road to intersect the Sturgis Road in the West ½ of S15, T16N, R12E, in Winston County. Thence, the route runs in a southeasterly direction along the Gumbranch-Hwy 25 Road to an intersection with Mississippi Hwy 25 at or near the Northwest corner of S28, T16N, R13E, in Winston County. Thence, the route runs in an easterly and northeasterly direction along the Bluff Lake Road to the Winston/Noxubee County line on the West line of S6, T16N, R15E, in Noxubee County. Thence, the route runs in an easterly direction along a Noxubee County route (CR-234) to intersect with the Levee (CR-267) and Bluff Lake (CR-266) Roads near the West line of S4, T16N, R15E, in Noxubee County and in the Sam D. Hamilton Noxubee National Wildlife Refuge. Thence, the route runs in a southerly direction along the Bluff Lake Road (CR-266) to intersect the Lynn Creek Road (CR-223) at or near the North line of S21, T16N, R15E, in Noxubee County. Thence, the route runs in an easterly direction along Lynn Creek Road (CR-223) to ultimately intersect US Hwy 45 in Brooksville, Mississippi, at or near the Northeast corner of S20, T16N, R17E, in Noxubee County, Mississippi. The Noxubee Hills Route runs approximately forty three (43) miles and serves parts of Choctaw, Winston, and Noxubee Counties in Mississippi.

HISTORY: Laws, 2013, ch. 318, § 1, eff from and after July 1, 2013.

§ 65-41-69. "Delta Bluffs Scenic Byway" designated.

The following highways, roads or streets located in the State of Mississippi are hereby designated in the following four (4) segments as an official Mississippi Scenic Byway to be known as the "Delta Bluffs Scenic Byway" pursuant to Section 65-41-1 et seq.:

(a) Northern Branch: Beginning at the intersection of Austin Road and Mississippi Highway 301 and continuing westward to the intersection of Delta View Road and Austin Road; then north along Delta View Road to the Great River Road National Scenic Byway (connectivity through the Town of Walls via Delta View Road, U.S. Highway 161 and 2nd Street);

(b) Central Branch: Beginning at the intersection of Mississippi Highway 301 and Austin Road and continuing south along Mississippi Highway 301 to Arkabutla Lake;

(c) East-West Branch: Beginning at the intersection of Old Mississippi Highway 304 and Interstate 55 in Hernando and continuing westward to Bluff Road; and

(d) Robertson Gin Road Extension Branch: Beginning at the intersection of U.S. Highway 51 and Commerce Street in DeSoto County and

continuing south along U.S. Highway 51 to Oak Grove Road; thence westward on Oak Grove Road to Robinson Gin Road; then south along Robinson Gin Road to Wheeler Road; thence westward along Wheeler Road to its point of terminus at Hernando Point at Arkabutla Lake.

HISTORY: Laws, 2013, ch. 313, § 1; Laws, 2013, ch. 337, § 1; Laws, 2015, ch. 442, § 4, eff from and after passage (approved Apr. 18, 2015).

Editor's Notes — Laws of 2013, ch. 313, § 1 [effective from and after passage (approved March 7, 2013)] and Laws of 2013, ch. 337, § 1 [effective from and after passage (approved March 14, 2013)] enacted identical sections.

Amendment Notes — The 2015 amendment, in the introductory paragraph, substituted "four (4)" for "three (3)"; and added (d).

§ 65-41-71. "Gateway to History" scenic byway designated.

The following highways located in the State of Mississippi are hereby designated as an official Mississippi Scenic byway to be known as the "Gateway to History," pursuant to Section 65-41-1 et seq., Mississippi Code of 1972:

(a) Segment 1: Beginning at the intersection of Highway 463 and Reunion Parkway and traveling north along Highway 463 for four and eight-tenths (4.8) miles to the intersection of Highway 22.

(b) Segment 2: Begin at the corner of Highway 463 and Highway 22 and continue west for eight and seven-tenths (8.7) miles to the Petrified Forest in the Town of Flora.

(c) Segment 3: Begin at the corner of Highway 463 and Highway 22 and continue east for twelve and three-tenths (12.3) miles to the City of Canton. The roadway changes to four-lane for one and four-tenths (1.4) miles surrounding the I-55 Canton interchange which is excluded and resumes for one and four-tenths (1.4) miles to the City of Canton.

(d) Segment 4: Begin at the intersection of Highway 51 and Highway 22 in Canton and travel for one and seven-tenths (1.7) miles. At the intersection of Highway 16 (Highway 22 becomes Highway 16) turn right on Highway 43 and travel for six and seven-tenths (6.7) miles to the Natchez Trace.

HISTORY: Laws, 2013, ch. 312, § 1, eff from and after passage (approved Mar. 7, 2013).

§ 65-41-73. "William Faulkner Scenic Byway" designated.

The following highways, roads or streets located in the State of Mississippi are hereby designated as an official Mississippi Scenic Byway to be known as the "William Faulkner Scenic Byway" pursuant to Section 65-41-1 et seq.: Beginning at the intersection of Mississippi Highway 30 and County Road 14 in Union County and continuing westerly along Mississippi Highway 30 to its intersection with County Road 229 in Lafayette County.

HISTORY: Laws, 2015, ch. 442, § 1, eff from and after passage (approved Apr. 18, 2015).

§ 65-41-75. "Gulf Coast Scenic Byway" designated.

(1) The following highways, roads or streets located in the State of Mississippi are hereby designated as an official Mississippi Scenic Byway to be known as the "Gulf Coast Scenic Byway" pursuant to Section 65-45-1 et seq.:

U.S. Highway 90 beginning at the intersection of U.S. Highway 90 and Beach Boulevard in Bay St. Louis continuing for 19 miles and ending at the intersection of DeBuys Road and U.S. Highway 90; connecting with the existing Beach Boulevard Scenic Byway designated in Section 65-41-61.

(2) Outdoor advertising shall be allowed on the following portions of U.S. Highway 90 within the corporate limits of the impacted municipalities subject to the zoning and signage ordinances of the impacted municipalities: the end of the Bay St. Louis Bridge to Fort Henry Street; Church Avenue to Fleitas Avenue in Pass Christian; White Harbor Road to Marcie Drive in Long Beach; Russell Avenue to South Nicholson Avenue in Long Beach; Camp Avenue to Pratt Avenue in Gulfport; and Courthouse Road to Paradise Avenue in Gulfport.

HISTORY: Laws, 2015, ch. 443, § 1, eff from and after July 1, 2015.

CHAPTER 43.

TOLL ROADS AND TOLL BRIDGES

Toll Roads and Toll Bridges. 65-43-1

TOLL ROADS AND TOLL BRIDGES

Sec.
65-43-3. Authority of Transportation Commission, counties and municipalities to contract with companies for financing, constructing, operating or maintaining toll roads or toll bridges; requests for proposals; rights and responsibilities of parties to contracts; collection of tolls; applicability of traffic regulations to motor vehicles operated on toll roads and toll bridges; immunity from liability.

§ 65-43-3. Authority of Transportation Commission, counties and municipalities to contract with companies for financing, constructing, operating or maintaining toll roads or toll bridges; requests for proposals; rights and responsibilities of parties to contracts; collection of tolls; applicability of traffic regulations to motor vehicles operated on toll roads and toll bridges; immunity from liability.

(1)(a) In addition to and as an alternative to any other authority granted by law, including, but not limited to, Section 65-43-1, any governmental entities, as defined in Section 65-43-1, in their discretion, may contract,

individually or jointly with other governmental entities, with any persons, corporations, partnerships or other businesses licensed to do business in the State of Mississippi (hereinafter referred to as "companies" or "company") for the purpose of designing, financing, constructing, operating and maintaining one or more new toll roads or toll bridges in the state for motor vehicle traffic, including tollbooths and related facilities, at those locations where an alternate untolled route exists. Such contracts may provide that the governmental entities may grant certain rights (including, but not limited to, the right to exclusively operate and maintain) in land held by the governmental entities, whether in fee simple, as an easement or other interest, to a company for design, construction, operation and/or maintenance of roadways, highways or bridges for motor vehicle traffic, tollbooths and related facilities. All such highways, pavement, bridges, drainage-related structures and other infrastructure comprising the projects shall be built and maintained in accordance with not less than the minimum highway design, construction and maintenance standards established by the contracting governmental entity for such highways, infrastructure and facilities. The contracting governmental entity shall conduct periodic inspections of any such project throughout the term of the contract to ensure compliance by the company. Failure of a company to comply with minimum standards established for the project by the contracting governmental entity shall constitute a breach and shall subject the company to liability on its bond or security or to rescission of the contract in accordance with the terms and provisions of the contract.

(b) A governmental entity may not enter into a contract under this section with (i) any company designated as a foreign terrorist organization pursuant to Presidential Executive Order 13224 or Section 302 of the federal Antiterrorism or Effective Death Penalty Act of 1996, (ii) any company under the control of a so-designated foreign terrorist organization, or (iii) any company controlled by a foreign person if to do so would violate any order of the Committee on Foreign Investment in the United States under the Foreign Investment and National Security Act of 2007, H.R. 566, 110th Cong. (2007), Public Law 110-49, 121 Stat. 246. These requirements also shall apply to any proposed transfer or assignment of any contract entered into under this section.

(2)(a) Every contract entered into by a governmental entity under this section (except for contracts entered into with another governmental entity or following termination of a predecessor contract entered into under this section), at a minimum, must provide for the design and construction of a new toll road or toll bridge project and may also provide for the financing, acquisition, lease, maintenance, and/or operation of a new toll road or toll bridge project.

(b) If a governmental entity enters into a contract with a company as authorized by this section, such governmental entity shall use a competitive procurement process that provides the best value for the governmental entity. The governmental entity may accept unsolicited proposals for a proposed new toll road or solicit proposals in accordance with this section.

(c) A governmental entity shall publish a request for competing proposals and qualifications in a newspaper having a general circulation within such governmental entity or, if the governmental entity is the Mississippi Transportation Commission, shall publish the request in a newspaper having a general circulation at the seat of government and, if the governmental entity has a website, shall post the request on such website. Such request shall include the criteria used to evaluate the proposals, the relative weight given to the criteria and a deadline by which proposals must be received. At a minimum, a proposal submitted in response to such request must contain:

(i) Information regarding the proposed project location, scope and limits;

(ii) Information regarding the company's qualifications, experience, technical competence, and capability to develop the project; and

(iii) A proposed financial plan for the proposed project that includes, at a minimum, the projected project costs, projected revenues and proposed sources of funds.

A governmental entity may interview a company submitting a solicited or unsolicited proposal. In evaluating such proposals, a governmental entity may solicit input from other sources regarding such proposals.

(d) The governmental entity shall rank each proposal based on the criteria described in the request for proposals and select the company whose proposal offers the best value to the governmental entity. The governmental entity may enter into discussions with the company whose proposal offers the best value. If at any point during the discussions it appears to the governmental entity that the highest ranking proposal will not provide the governmental entity with the overall best value, the governmental entity may enter into discussions with the company submitting the next highest ranking proposal.

(e) The governmental entity may withdraw a request for competing proposals and qualifications at any time and for any reason and may reject any one (1) or all proposals. In either case, the governmental entity may then publish a new request for competing proposals and qualifications. A governmental entity shall not be required to pay any company for the costs of preparing or submitting proposals.

(f) The governmental entity shall prescribe the general form of a contract authorized by this section and may include any matter the governmental entity considers advantageous to it. The governmental entity and the company shall negotiate the specific terms of the contract.

(g) Except as provided under this subsection (2), no such contract entered into hereunder shall be subject to the provisions of Section 65-1-8, Section 31-7-13 or any other public bid or public procurement laws of this state.

(h) The Transportation Commission shall evaluate each proposal based on the criteria established by the commission. The Transportation Commission shall approve or disapprove a proposal within ninety (90) days after

receipt of the proposal. If the Transportation Commission needs additional information, it may delay approval for an additional sixty (60) days.

(i) Any right or interest arising under or as a result of any contract entered into under this section by a governmental entity with a company involving a franchise, license agreement, concession agreement, operating agreement, construction agreement, design agreement and/or any other similar contractual arrangement in connection with the financing, design, construction, acquisition, maintenance and/or operation of a toll road or toll bridge project shall not constitute any right, title or interest in land or other real property or real estate or in personal property within the meaning of Article 1, Chapter 35, Title 27, Mississippi Code of 1972, in the toll road or toll bridge project, including tollbooths and related toll facilities (including, but not limited to, land, pavement, drainage-related structures, and other infrastructure and property related thereto) in which a governmental entity is the title owner of such property and/or holder of easements, rights-of-way and/or other interests for such toll road or toll bridge project.

(3) Every contract entered into by a governmental entity under this section shall require a company to enter into bond and provide such security as the governmental entity determines may be necessary or advisable to ensure timely completion and proper execution and performance of the contract. The term of the contract shall not exceed fifty (50) years, with the exception of extensions, automatic renewals or other contractual terms as agreed to by the governmental entity in the original or a subsequent agreement. The governmental entities are authorized to acquire such property or interests in property as may be necessary, by gift, purchase or eminent domain, for construction and maintenance of the highways or bridges built pursuant to contracts entered into under this section. Upon expiration, termination or rescission of the contract, any and all rights and/or interests that the company may have in the land, infrastructure, facilities or other improvements to the property subject to contract shall terminate and automatically, by operation of law, be returned or conveyed to and vested in the State of Mississippi or the contracting governmental entity. Upon termination, expiration or rescission of the contract, the collection of tolls shall cease.

(4) The governmental entity having jurisdiction over the toll highway or bridge may, after notice and public hearing, establish, charge and collect motor vehicle operator tolls for use of the highway or bridge and its facilities. Alternatively, during the term of any contract entered into under this section, the company may establish, charge and collect motor vehicle operators tolls for use of the highway or bridge and its facilities. The amount of such tolls, and any modification thereto, shall be subject to approval by the contracting governmental entity after notice and public hearing. All such contracts entered into with the Mississippi Transportation Commission may require a company to pay a percentage or other specified portion of all tolls collected to the Mississippi Department of Transportation. If bonds are issued pursuant to Section 65-43-13, then all such tolls paid to the department shall be deposited into the special bond sinking fund under Section 65-43-11, and may be

expended only as authorized by the Legislature. If bonds are not issued pursuant to Section 65-43-13, then all such tolls paid to the department shall be deposited into the department's highway fund to be used by the department for the construction and maintenance of highways.

(5) If a toll road is a designated evacuation route and a declaration of a state of emergency is issued by the President of the United States or by the Governor, the collection of tolls shall cease until the termination of the state of emergency.

(6) All statutes of this state relating to vehicle and traffic regulation and control shall be applicable to motor vehicles operated upon highways and bridges constructed under this section and shall be enforceable by the Mississippi Department of Public Safety, the Mississippi Highway Safety Patrol or any other law enforcement agency having jurisdiction over such highways and bridges.

(7) The State of Mississippi, the Mississippi Transportation Commission, the Mississippi Department of Transportation, counties, municipalities or any other agency or political subdivision, or any officer or employee thereof, shall not be liable for any tortious act or omission arising out of the construction, maintenance or operation of any highway or bridge project under the provisions of this section where the act or omission occurs during the term of any such contract entered into by the Mississippi Transportation Commission or other governmental entity and a company.

HISTORY: Laws, 2007, ch. 582, § 2; Laws, 2008, 1st Ex Sess, ch. 44, § 2; Laws, 2012, ch. 537, § 2, eff from and after July 1, 2012; Laws, 2020, ch. 452, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in (3), rewrote the second sentence, which read: "The term of the contract shall not exceed fifty (50) years and shall not be extended or renewed."

Cross References — State agencies and public officials providing information about the agency or office to the public on a website are required to regularly review and update that information, see § 25-1-117.